The Sydney Morning Herald.

PRICE THREEPENCE.—£3 PER ANNUM.] VOL. XXXI. FRIDAY, SEPTEMBER 26 1851 No. 4482 {CASH TERMS FOR ADVERTISEMENTS. For one inch and under, 3s.; and 1s. for every additional inch for each insertion

STEAM TO MELBOURNE AND LAUNCESTON,
Calling at Eden, Twofold Bay.

THE Steam Ship SHAMROCK, G. Gilmore, Commander, will sail for the above ports on WEDNESDAY, *1st October, at 5 p.m.*
JAS. PATERSON, Manager.
A. S. N. CO.'s Wharf. 6083

FOR THE NEW GOLD FIELD, MORUYA RIVER, BROULEE.

THE fast-sailing schooner ALBATROSS will sail on Saturday next, wind and weather permitting. For freight or passage apply to Captain Dones, on board, at the Union Wharf; or, to
6308 THOMAS STAUNTON

FOR MORUYA RIVER,
The new Gold Field,

THE fast-sailing schooner HIGHLANDER, 37 tons burthen, T. Grumby, master, will sail on Sunday next, 28th instant. For particulars of freight or passage apply on board, at the Union Wharf. 6292

FOR MORUYA RIVER,

THE fast sailing schooner AGNES NAPIER, 50 tons burthen, Alfred Motherston, master, having part cargo and passengers engaged, will sail on Monday next, 29th instant. For freight or passage apply on board: or to
HENRY CLARKE,
Union Wharf.
September 26. 6270

THE FIRST VESSEL FOR THE CLARENCE RIVER.

THE GEORGE, Palmer, master, having the principal part of her cargo engaged, and being nearly full of passengers, will positively sail on Saturday next, the 27th instant. For freight or steerage passage apply to the Master, on board, at Northwood's Wharf, bottom of Erskine-street.
September 24. 6190

ONLY VESSEL FOR THE CLARENCE RIVER,

THE well known favorite brigantine ANN MARY, 70 tons, Simpson, master, (detained by contrary winds) will sail the first favourable change. For freight or passage apply to
JOHN MORRIS, Agent.
Albion Wharf, foot of Market-street. 6301

FIRST VESSEL FOR MORETON BAY.

THE Clipper brig JACK, John Murphy, commander, having part cargo engaged, will positively sail on Saturday, the 27th inst.
For freight or passage apply to the Captain, on board, at the Flour Company's Wharf; or, to
W. H. HARRIS,
Agent, at the Wharf.
N.B.—The brig Jack will discharge and load at the Flour Company's Wharf. 6952

ONLY VESSEL FOR WIDE BAY,

THE fine brigantine ALBION, 130 tons, Clinton, master, having a great portion of her cargo engaged, will be quickly despatched for the above port. For freight or passage apply to
JOHN MORRIS, Agent.
Albion Wharf, foot of Market-street. 6302

ONLY PACKETS FOR MELBOURNE.

THE fast-sailing schooner FAVORITE, Stericker, commander, has only room for 10 tons of light freight, and will sail on Tuesday morning, the 30th instant.
To follow the Favorite,
The passenger brig DIANA, J. R. Peake, commander, having most of her cargo engaged, will sail on Wednesday morning, the 1st proximo.
The above vessels are fitted expressly for the convenience of passengers. Beds, linen, &c., and the best wines and provisions found on board.
For freight or passage apply to
E. M. SAYERS,
Port Phillip Packet Office, 489, George-street. 6283

FOR HOBART TOWN DIRECT,

THE fine first-class fast-sailing British-built barque CAPE HORN, 250 tons, George Boggis, Commander, having the greater portion of her cargo engaged will positively sail on Sunday next, the 28th instant.
Intending passengers are requested to inspect the superior accommodations of this splendid vessel. Bedding, wines, spirits, &c., found on board, free of extra charge. For freight or passage apply to the Captain, on board, at the Albion Wharf; or, to
WATKINS AND DEAN, Agents,
22, Church Hill.
September 23. 6062

FIRST VESSEL FOR HOBART TOWN.

THE well-known favourite brig EMMA, 190 tons, R. F. Pockley, commander.
This vessel has the greater part of her cargo now on the Wharf ready for shipment, and will have dispatch. It is requested that shippers and passengers apply immediately on board, at the Queen's Wharf; or, to
JOHN MACNAMARA,
6275 Queen-street.

SEA BELLE, FOR LAUNCESTON.
For Passengers only.

DETAINED until Noon To-Day, in consequence of Shippers having omitted to pass Customs' Entries in time yesterday.
Has room for two passengers, if application be made at once, on board, at the Circular Wharf; to
SMITH, CAMPBELL, AND CO.,
Spring-street; or to
SHEPPARD AND ALGER.
Packet Office, 470, George-street. 6284

FOR LAUNCESTON DIRECT,
The only regular Trader.

THE fine brig WILLIAM, H. A. Coffey, commander. Her extraordinary passages warrant the agent in recommending her to shippers. For freight or passage—cabin accommodation superior, beds and bedding, wines and spirits of the best quality free of charge, found — apply to Captain Coffey, Flour Wharf; or to
HENRY FISHER,
480, George-street.
September 22. 5933

FOR ADELAIDE DIRECT.

THE FINE BARQUE CANTERO, 310 tons register, William Murray, Commander, will sail in a few days. For light freight or passage apply to
HENRY MOORE.
Miller's Point, September 17. 5639

PACKET FOR ADELAIDE.

THE splendid clipper brig THOMAS AND HENRY, 235 tons register, George Bennett, master, will have quick despatch, having much of her cargo engaged.
For freight or passage, having unsurpassed accommodations (bed and bedding, &c., found free of charge), apply on board, at the Flour Company's Wharf; or to
SHEPPARD AND ALGER,
Packet Office, 470, George-street.
Shippers are requested to send down their dead weight at once. 5859

FOR ADELAIDE,

THE fine fast-sailing brig HERO, 260 tons, H. D. Dale, commander.
This vessel is now discharging, and having nearly the whole of her cargo engaged, will meet with immediate despatch
For freight or passage, having excellent accommodation, apply on board, at the Queen's Wharf; or, to
JOHN MACNAMARA,
6273 Queen-street.

EMMA, FOR AUCKLAND,
For Passengers only,

DETAINED until Noon to-day, in consequence of a shipper not having passed Customs Entries before *Noon* yesterday. Has still room for two passengers if application be made at once on board, at the Circular Wharf; or to
SHEPPARD AND ALGER,
6285 Packet Office, 470, George-street.

FOR WELLINGTON DIRECT.
(Will call at Nelson, if inducement offers.)

THE well-known brigantine WILLIAM ALFRED, 170 tons, Thomas Tinley, commander.
This fine vessel is now ready to receive cargo, and having the greater part of her cargo ready for shipment on owner's account, will sail on the day named. Shippers and passengers who value a fast-sailing vessel, will do well to apply immediately, on board, at the Flour Company's Wharf; or, to
JOHN MACNAMARA,
6274 Queen-street.

FOR CALCUTTA DIRECT.

THE ROYAL SAXON, 713 tons, William Charlesworth, Commander. This well-known regular trader will be fitted for horses, immediately on the inward cargo being discharged, and sail about the 1st October. For freight or passage apply to the office of
4214 R. TOWNS.

FOR MAURITIUS DIRECT.
Under positive engagement with Her Majesty's Government, to sail on the 4th October.

THE fine colonial-built barque FANNY FISHER, 300 tons burthen, Charles Harrold, commander, now alongside Commissariat, taking in Government Stores. Has room for SIXTY TONS if arrangements are made immediately.
The high price of beef at the Mauritius affords an excellent opportunity for holders of salt provisions to procure a market most advantageous.
Her cabin accommodations are first-class. For freight or passage, apply to Captain Harrold; or
HENRY FISHER,
480, George-street.
September 25. 6224

FIRST SHIP FOR LONDON,

THE splendid A1 frigate-built barque BLACKFRIAR, 622 tons register, Thomas Grieves, commander. This vessel has now only room for a limited quantity of wool, and will sail 10th October. Has very superior poop accommodations, and has room for a few steerage passengers. Apply to
FLOWER, SALTING, AND CO.;
or to
GILCHRIST AND ALEXANDER.
September 25. 6279

FOR LONDON DIRECT,
For light freight only.

THE A1 ship JOHN KNOX, 1195 tons register, R. Davidson, master, having all her dead weight engaged, will be the first wool-ship of the season, and in time for the London May wool sales.
For freight or passage apply to the commander on board, to
J. T. ARMYTAGE AND CO.;
Or, to
5725 ABRAM BRIERLEY.

FOR LONDON,

THE fast-sailing Barque JOSEPHINE, 278 tons register, is now receiving cargo at the Flour Company's Wharf, and will meet with early despatch. For freight or passage apply to
SMITH, BROTHERS, AND CO.,
Sussex-street; or, to
EDWARD N. BURGESS,
3937 20, Macquarie-place.

FOR LONDON.

THE A1 British-built barque JANE FRANCES, F. A. Levin, commander, 392 tons register. This ship is noted for her fast sailing qualities, having made one of the quickest passages on record from Launceston to London. Has the greater part of her dead weight engaged, and will have quick despatch. Her cabin accommodations are of a superior description. For freight or passage apply to Captain Levin, at the Circular Wharf; or to
6254 ROBERT HOW.

FOR LONDON.

THE BARQUE PENYARD PARK, A1, 500 tons, John Weller, commander.
This vessel has superior accommodation for passengers, and will have quick despatch. For freight or passage, apply to
GILCHRIST AND ALEXANDER;
or, to
FLOWER, SALTING AND CO.
June 5 11059

FOR LONDON DIRECT.

THE first-class barque BRIGHTMAN, 400 tons register, Captain Cowley, Commander, has part of her cargo engaged, and will have quick despatch. Apply to the Commander, on board; or to
CAMPBELL AND CO.
Campbell's Wharf, Sydney. 5924

FOR FREIGHT OR CHARTER.

THE fine fast-sailing ship ORIENTAL, A1 for 12 years, 500 tons. William Carr, Commander. Apply to the Captain, on board; or to
J. B. METCALFE.
N.B.—This vessel has made the voyage from Sydney to Batavia, and back to Sydney (after discharging 300 tons coals, and taking on board six hundred tons cargo), in the short space of three months and eleven days.
September 18. 5734

REGULAR TRADERS TO LONDON.

THE following splendid frigate-built Ships, belonging to Messrs. DUNCAN DUNBAR AND SONS, of Limehouse, will be dispatched from Sydney on or about the undermentioned dates.

FOR LONDON.

NAME.	TONS.	COMMANDER.	TO SAIL.
BLENHEIM	900	A. S. Molison	Nov. 20.
WATERLOO	1000	James Green	Dec. 20.
VIMEIRA	1100	Henry Neatby	Jan. 20.

These Ships have been built expressly for the Australian Trade; their accommodations for Passengers are spacious and elegant; and a duly qualified Surgeon will accompany each Vessel. For terms of passage or freight apply to
SMITH, CAMPBELL, AND CO.
Sydney, July 1. 133

FOR CHARTER.

THE fine fast sailing A1 barque KING WILLIAM, 463 tons register, David Dewar, commander. Apply to
GILCHRIST AND ALEXANDER,
6280 Lyons' Buildings.

AUSTRALIAN GENERAL ASSURANCE COMPANY.

OFFICE, No. 488, GEORGE-STREET, SYDNEY, (Opposite the Barrack Gate.)

CAPITAL—£400,000, IN 4000 SHARES.

DIRECTORS
H. H. Browne, Esq., Chairman
William Brown, Esq., Deputy Chairman
John Alexander, Esq. | Robert Graham, Esq.
Alex. Campbell, Esq. | Robert How, Esq.
MARINE SURVEYOR.
Captain Ashmore, Kent-street North.

The Directors attend daily to receive applications for insurances. Risks are taken on goods and vessels of forty-five tons register and upwards to all ports.
Gold and specie insured from Sydney to London, or other ports in Great Britain, by any of Her Majesty's ships at the rate of one per cent, and by merchant vessels at the rate of one and a half per cent.; and policies will be granted in triplicate, payable in London, in case of loss, if required.
The Board meets every Wednesday at one o'clock for the despatch of general business.

Rates of Premium per cent (with average.)

Europe	2¼	Colonial Trade—	
China India, &c	2½	Hobart Town	¾
Java	2	Launceston	1
South America	2	Port Phillip	1
Mauritius or Bourbon	2	Ditto per steamer	¾
		Adelaide	1¼
Cape of Good Hope	2½	Swan River	2½
		Auckland	1
Torres' Straits	2	Port Nicholson	1½
Whaling vessels for the voyage	9 to 10	Port Nelson	2
		Moreton Bay (by the northern passage only)	1¼
Time Risks			
12 months	9	For goods, &c., made free of particular average the premium is reduced ⅛ to ¼ per cent on the above rates	
6 "	5		
3 "	3		

N.B.—Notice is hereby given, that the Company's Surveyor will attend on the arrival of each vessel in which they may be interested, to report upon the stowage of the cargo, &c., and that where claims are likely to be made, notice is required to be left at the Company's Office on the arrival of the vessel.
JOHN D. GIBSON,
8830 Secretary.

IMPERIAL FIRE INSURANCE COMPANY OF LONDON,
CAPITAL ONE MILLION FIVE HUNDRED THOUSAND POUNDS.

REDUCED SCALE OF PREMIUMS:—

	Per annum. Per cent. s.	d.
Slated brick or stone buildings detached	5	0
Ditto ditto ditto ditto contiguous	7	6
Ditto ditto ditto ditto ditto to inferior Buildings	10	0
Shingled ditto ditto ditto detached	10	0
Ditto ditto ditto contiguous	12	6
Inferior buildings ... 15s. and	17	6

Vessels in harbour with or without warrantry to repair and ships building.
Hazardous risks subject to special arrangement.
Losses by lightning made good.
All losses promptly adjusted in Sydney.
GRIFFITHS, FANNING, AND CO.,
Agents.
Spring-street, Sydney. 4109

THE SYDNEY RAILWAY COMPANY.
SECOND RAILWAY CONTRACT.—Sealed Tenders, addressed to the undersigned, will be received at this Office until Monday, the 13th day of October next, from persons desirous of contracting for the whole or part of the Works required for the substructure of that portion of the Railway commencing where the line crosses the Newtown Road, and extending to a marked stake on the Underwood Estate near Long Cove Creek.
The work may be taken in divisions as defined by the Engineer; or Tenders will be received separately for the Excavation, Bridges, or Fencing. The Bridge crossing Long Cove Creek, being a work of some magnitude, may be taken by itself. The plans and specification may be seen upon application to the Engineer, at the Office of the Company, where all further particulars may be ascertained.
CHARLES COWPER,
Managing Director.
Railway Office, September 3. 4665

BANK OF NEW SOUTH WALES.
NOTICE is hereby given, that the Half-yearly General Meeting of the Proprietors of this Bank will be held at the Banking House, George-street, on Wednesday, the 22nd day of October next, at noon, to consider the Report of the Directors to be then made; to elect a Director in the room of Daniel Cooper, jun., Esq., and an Auditor in the room of E. C. Weekes, Esq., who retire by lot; and to consider and decide upon such other matters and things as may then be brought forward by the Board of Directors, relating to the affairs of the Company.
Proprietors who intend to become Candidates for the office of Director, are required by the 45th section of the Deed of Settlement to give notice of such intention to the Board of Directors in writing, to be left at the Banking House of the Company, in Sydney, fourteen days at least before the day of election.
J. BAILLIE, Secretary.
Bank of New South Wales,
Sydney, September 23, 1851. 6131

MR. J. CLARK'S BALL.
MR. J. CLARK begs to announce that his BALL will take place at his Assembly Rooms, Elizabeth-street North, on Wednesday evening, the 1st October. Tickets to be had at his residence *only*, 189, Elizabeth-street. 6265

NOTICE OF REMOVAL. — The undersigned have this day removed their Counting House, from 700, George-street, to Lyons' Buildings, corner of George-street and Charlotte-place.
GILCHRIST AND ALEXANDER.
September, 25. 6281

FOR SALE.—80,000 stout Hobart Town Shingles for sale. Apply to J. B. VILES, Kent-street, near Gas-lane. 6169

AUSTRALASIAN BOTANIC AND HORTICULTURAL SOCIETY.
THE Committee beg to announce that the SPRING EXHIBITION of this Society will be held at the Botanic Gardens, on Wednesday, the 1st October next.
Members, and parties holding members' tickets, and ladies or children introduced by a member, will be admitted at two o'clock, ladies so introduced upon payment of one shilling each; and children, six-pence each.
All other persons will be admitted at half-past three o'clock, by tickets which will be charged for as follows:—
If purchased prior to the day of Exhibition, One Shilling each.
If purchased at the Gate, One Shilling and Six-pence each.
Children, in any case, Six-pence each.
Tickets may be purchased, and all information relative to the Exhibition may be obtained, from the Secretary, at the Office of the Society, 438, George-street.
W. G. PENNINGTON,
Secretary.
August 22. 4627

No. 51-373.
Town Clerk's Office, Sydney,
12th September, 1851.
REMOVAL OF FOUNTAINS.
NOTICE is hereby given, that in accordance with a resolution of the Council, of date the 27th ultimo, the undermentioned Fountains will be removed on and after the following dates:
The fountains at
Goulburn-street,
Liverpool-street, and
The Old Toll Bar,
on the 3rd October next; and the Fountains at
Queen's Wharf,
Hunter-street,
Kent-street and Gas-lane, and
Argyle and Kent-streets,
on the 7th November next; these being the respective days in October and November, when the water will be turned off from the City for the purpose of connecting supply pipes.
6267 JOHN RAE, Town Clerk.

THE STAR HOTEL,
Macquarie Place.
MR. A. MENZIES, in returning his sincere thanks to his patrons and friends, for their kind support during his residence in George-street, begs to inform them that he has opened those large and spacious premises lately known as Macquarie House, but now bearing the old sign of the STAR HOTEL.
Mr. Menzies trusts his well-known character as a caterer, and the various comforts afforded at his late establishment, will induce all his old friends to try those of the new Hotel. To his numerous friends and connexions from the bush, this will be deemed a sufficient card.
The usual "*Table d'Hote*" will be at one o'clock. A good substantial dinner, including a glass of malt, One Shilling.
Wines, Spirits, Malt Liquors, of the best brands.
Sydney, September 17. 5770

OLYMPIC CIRCUS. CASTLEREAGH-STREET, (In the rear of the Painters' Arms.)
MR. J. S. NOBLE has the honour to announce to the public of Sydney and its vicinity that he intends to give a GRAND EQUESTRIAN PERFORMANCE on FRIDAY and SATURDAY, the 26th and 27th of September, on which occasions the whole strength of the Company will be shown. Programme for This Evening.—Performance changed nightly.
Act 1.—The performance will commence with a grand display of BATTOT LEAPS, by the whole company, in which Mr. Noble will appear.
Act 2.—The juvenile horseman "Francisco" will enter the Arena upon his rapid course, and go through many Daring and Pleasing Attitudes.
Act 3.—An extraordinary feat, entitled, THE PEARL OF ANDALUSIA, by Mr. Noble, assisted by Masters Hermandies, Francisco, and Lewelling.
Act 4.—ARIEL SCENE, OR, THE THREE CHANGES, on horseback, by Mr. Noble.
Act 5. Master Hermandies will exercise his skill on the ROTATORY GLOBE; during which he will ascend and descend an inclined plane. This feat is one of the most difficult and surprising ever witnessed, and has created most extraordinary sensation both in Europe and America.
Act 6.—Signor Honoro, the "Modern Sampson," will represent the Scene of the COMMANDER OF THE BANDIT OF QUEBAR, on the frontiers of Brazil, when passing a small Pantanear, in which he made a bridge, and held the same for his troop of horses to pass.
Act 7.—Master Hermandies will introduce the much admired scene of ROB ROY.
Act 8.—SPANISH FEATS, by Signor Honoro, on which occasion he will lift 800 lbs. weight.
Act 9.—Horsemanship without Saddle or Bridle, by Master Hermandies.
Act 10.—Principle Riding, by Mr. Noble, for the first time.
Act 11.—The performance to conclude with a PANTOMIME.
Admission—Boxes, 3s.; Pit, 1s. Half-price to boxes at 9 o'clock. Children under ten years of age, half-price. Doors open at 7; performance to commence at half-past. Smoking strictly prohibited. 6626

ROYAL HOTEL.
NEW YORK SERENADERS. — The New York Serenaders respectfully announce to the ladies and gentlemen of Sydney and its vicinity, that they will give their Thirty-sixth ETHIOPIAN MUSICAL SOIREE, at the above Hotel, THIS EVENING, Friday, September 26, on which occasion they will be assisted by Mr. READING, who will also play one of his Banjo Solos. The following programme will be presented:—
PROGRAMME.
PART 1.

Introductory Overture, Love Not	Company
Let's be Gay. (Music from Robert Le Diable)	Mr. Nash
Gal from de South	Mr. Pierce.
Commence you Darkies	Mr. Kitts
Buffalo Gals	Mr. Reading
Colored Fancy Ball (trio)	Messrs. Kitts, Nash, and Pierce
Virginia Rosebud. (Music from Bronze Horse)	Mr. Nash
Mr. Coon	Mr. Pierce
Julia Green	Mr. Nash
Stop dat Knocking (an Operatic Burlesque)	Mr. Pierce

Intermission of ten minutes

Banjo Solo (Christ Church Bells)	Mr. Reading
Duet, Flutina and Guitar	Messrs. Pierce and Nash.

PART 2.

Medley Overture and Chorus	Company
Black-eyed Susanah	Mr. Nash
Young Clim Brown	Mr. Pierce
Old Napper	Mr. Lee
Jenny get your Hoe Cake done	Mr. Reading
Who's dat Nigger dar a peeping. (Music from Fra Diavolo)	Mr. Kitts
Darkey Schoolmaster (trio)	Messrs. Kitts, Nash and Pearce
Dinah Crow	Mr. Nash
Nigger from de South	Mr. Pierce

Admission 2s.
Tickets to be obtained at the Royal Hotel; Masonic Hotel, York-street; Music Store of Mr. Henry Marsh, 490½, George-street; and at the door on the evening of performance. Doors open at half-past 7 o'clock; commence at 8 o'clock. 6291

JOHN MALCOM'S Royal Australian Circus, York-street. FRIDAY Evening, 26th September, 1851, will be performed—
The Clown on the Turf—Master Melville
Harlequinade and Transformations — Mr. Williams.
Pride of the Valley—Miss Griffiths.
Tyrolese Shepherd and Swiss Milkmaid—Mr. and Mrs. Ashton.
Dumb Slave—Mr. Raymond.
Flying Juggler of Antwerp—Signor Cardosa.
Ariel Bounder through Balloons, Hoops of Daggers, &c.—Mr. Clark.
Pickwick, Fat Boy, and Sam Weller—Mr. Ashton.
British Dragoon—Mr. Raymond.
Highland Laddie—Mr. Ashton.
Darkie of all Weathers—Mr. Williams.
And conclude with the Equestrian Ballet of the Rivals.
Riding School open daily.
Great preparations are in progress for the Entrée of the Amazons by the whole of the male and female artistes.
62621 J. MALCOM, Proprietor.

MODEL of a Line of Battle Ship, mounting 114 guns, to be Raffled for. Thirty members at 20s. each; to be seen at Mr. Isler's, draper, nearly opposite the Union Bank, Pitt-street, where the list is lying 6268

COPELAND'S GENUINE PARIAN MARBLES.
JUST received per Phœnician, direct from the manufacturer, W. T. Copeland, a few new Statuettes and Vases in Parian
Rebekah, by W. Theed
And I put the earrings upon her face, and the bracelets upon her arms.
This copy of the above exquisite composition is the second one delivered, the first having been sent to her Majesty the Queen
The Roman Piper, and Companion
The Italian Girl
Two Superb Cellini Vases
Una and the Lion, designed by Bell
Sabrina, by J. C. Marshall, A.R.A.
Canova's Dancing Girl
The Sutherland Vase
Undine, the Water Nymph
Paul and Virginia
W. R. PIDDINGTON,
Bookseller, Stationer, and Printseller, 485, George-street, *next* Bank of New South Wales. 6196

ESTABLISHED 1820.
AMBROSE FOSS, Wholesale and Retail Chemist and Druggist, has received by late arrivals a general assortment of Genuine DRUGS, CHEMICALS, Patent Medicines, &c., &c., &c.
A. F. would remind Medical Practitioners, Chemists, Druggists, Storekeepers, and others, that all preparations sent out from his establishment are prepared in strict accordance with the formulæ of the London, Edinburgh, and Dublin Pharmacopeias, that all Drugs are imported from the most respectable firms in London, so that they may rely on their genuineness, and that his prices are as low, and in some instances lower, than other houses.
313, Pitt-street North. 4996

Under Patronage of Royalty and the Authority of the Faculty.
KEATING'S COUGH LOZENGES.
Upwards of Forty Years' experience has fully confirmed the superior reputation of these Lozenges, in the cure of ASTHMA, WINTER COUGH, HOARSENESS, SHORTNESS of BREATH, and other PULMONARY MALADIES.
They have deservedly obtained the high patronage of their Majesties the KING or PRUSSIA, and the KING OF HANOVER; very many also of the Nobility and Clergy, and of the Public generally, use them, *under the recommendation of some of the most eminent of the Faculty*. Such medical testimony must be convincing of their efficacy, as well as conveying the satisfactory assurance of their freedom from any Opiate, or other injurious Anodyne, Medical Men being well aware of the deleterious effects of *Opiates*, which in Pulmonary Affections do but mask the symptoms for a time, and afford only temporary relief, while perhaps the constitutional disease is aggravated, or at least unsubdued. They may be safely administered to Females of the most delicate frame, and to very young children, for they not only allay Cough and Nervous Irritation, but they sustain the constitution, by promoting a healthy state of the Digestive Organs. They have immediate influence over the following cases;—*Asthmatic and Consumptive Complaints, Coughs, Shortness of Breath, Hoarseness, &c., &c.*
On Sale, by appointment, by
A. FOSS,
Dispensing Chemist, &c.,
6286 313, Pitt-street North.

ON SALE.—Ol. Jecoris Aselli, or pure Cod Liver Oil, which the undersigned can recommend, being free from adulteration; also, a supply of STRYCHNIA.
FINE HEALTHY LEECHES.
A. FOSS,
4997 313, Pitt street North.

BOOTS FOR THE DIGGINGS.
JUST RECEIVED, and on sale by the undersigned
Superior stockmen's Boots, nailed ditto
Ditto long waterproof, and mud ditto
Ditto Wellingtons, Bluchers, lace-ups, &c., &c.
Ditto leather leggings, &c.
WATKINS AND DEAN,
22, Church-hill.
September 23. 6063

TO GOLD SEEKERS—QUARTZ CRUSHING.
FOR SALE, in Bathurst, a three-horse power high pressure steam-engine complete, with two throw pumps and gear, suitable for emptying water holes; or the engine would be available as a motive power in quartz crushing. Apply to
J. J. ASHE,
Auctioneer and Commission Agent, Bathurst: or to
GRIFFITHS, FANNING, AND CO.,
3773 Sydney.

DOESKINS. — A small invoice of fashionable summer Doeskins, landing, ex Rajah of Sarawak.
L. AND S. SPYER,
6033 Spring-street.

FLOOR MATTING.—Landed, ex Mohawk, and for sale at the Stores of the undersigned—
Manila hemp, and cocoa-nut floor matting, various patterns, well suited for churches, halls, &c.
6028 LYALL, SCOTT, AND CO.

TO DRAPERS, SHIPPERS, STOREKEEPERS, &c.
THE Subscribers beg to direct the attention of wholesale buyers generally to their unrivalled stock of DRAPERY FANCY GOODS, SLOPS, &c., which they are prepared to offer upon the most liberal terms.
N.B.—Invoices of about two hundred (200) original packages, comprising almost every article in the trade.
☞ Entrance to the wholesale next door to the Savings' Bank.
DAVID JONES AND CO.,
2 25 George and Barrack streets.

TO PARTIES PROCEEDING TO THE MINES.—The Subscribers invite all parties proceeding to the Mines, to inspect their large and varied stock of *Ready Made Clothing*, (including the miners' white woollen suit,)
Gutta percha waterproof coats, capes
Leggings and boots, air beds and pillows
Blankets, rugs, shirts, and every requisite for a miner's complete outfit
3718 DAVID JONES AND CO.

REAL PARIS KID GLOVES, PREMIER QUALITY.
Ex Eliza Caroline.
MESSRS. DAVID JONES AND COMPANY respectfully solicit ladies to inspect these gloves, which they unhesitatingly affirm to be the best article ever imported to the colony.
DAVID JONES AND COMPANY.
6294

REAL FRENCH PRINTED BAREGES,
Ex Eliza Caroline.
THE ladies of Sydney and its environs are respectfully solicited to inspect several cases of the above beautiful goods, unequalled by all previous productions.
N. B.—Real French Plain Barege in every shade of colour.
DAVID JONES AND COMPANY.
6295

REAL FRENCH PRINTED BAREGES,
Ex Eliza Caroline.
A FEW CARTOONS of the above have just been opened, and are especially recommended to the attention of ladies, viz.:—
Collars
Habit shirts
Chemisettes
Handkerchiefs
Sleeves
Caps &c., &c., &c.
Visites, black and white
Shawls, ditto ditto ditto
Veils, ditto ditto
Falls, ditto ditto ditto.
DAVID JONES AND COMPANY.
6296

NEW BROCADED AND GLACE SILK,
Ex Phœnician.
TWO cases French and English plain, striped, and fancy silks; rich satinette, which on inspection will be found decidedly cheap.
6297 DAVID JONES AND COMPANY.

IMPORTANT TO LADIES.
Great Novelties in Summer Costumes - one hundred and forty-five (145) Packages.
BRITISH and Foreign Silks, Shawls, Cloaks, Bereges, Muslins, Embroidery, Bonnets, Hats, Millinery, Parasols, Gloves, Hosiery, and miscellaneous Fancy Articles, Jewellery, &c., &c., now landed and ready for inspection.
6298 DAVID JONES AND COMPANY.

CHOICE VEGETABLE SEEDS,
Just landed ex Phœnician,
ALSO,
FLOWER SEEDS IN GREAT VARIETY,
MICHAEL GUILFOYLE begs to call the attention of gentlemen in Sydney and the interior, Market Gardeners, and others, to a very splendid Collection of New Vegetable and Flower Seeds, just received in the most perfect condition per Phœnician, from the well-known house of J. A. Handerson and Co., London, and consisting of the following varieties:—
PEAS—Bingwood marrow, Thurston's reliance, Auvergne, Bishop's long podded dwarf, blue Prussian, scimitar, Woodford's dwarf marrow, sugar dwarf, blue imperial, Flack's victory, Groom's superb blue, Knight's dwarf marrow, Bellamy's new green race horse, Prince Albert, matchless marrow, Burbridge's eclipse, Harr's dwarf, Mammoth, Victoria dwarf, branching, ne plus ultra, champion of England.
SEEDS—Flax and London.
LETTUCE—Grand Admiral cabbage
Hammersmith ditto
Hampton Court large ditto
Tennis ball ditto ditto
Victoria ditto ditto
Florence coss, Victoria coss, Adey's large coss.
PARSNIP—Hollow crowned and Guernsey.
RHUBARB—Giant English.
SAVOY—Globe, drumhead, and yellow.
TURNIP—Early Dutch, stone, Scarebrooke, yellow stone, yellow Malta, yellow Dutch, snowball.
CABBAGE Eastham, Emperor, sugar-loaf, London market, dwarf hope, Shilling's Queen, Barnes' early dwarf, nonpariel, large York, drumhead, Atkins' matchless, dwarf York.
CAULIFLOWER—Early London, late ditto, Walcheren.
CELERY—Manchester giant, white solid, red ditto.
ENDIVE—Batavian, dwarf green curled, new broad-leaved, white French.
BROCOLI Bowles' new sulphur brimstone, Chappel's new cream, early purple headed, Knight's late white protecting, Summer's hardy late white, Walcheren, Adams' early white, Willcoves' late white, Howden's superb.
CARROT—Long orange, Altringham, James' scarlet and horn.
CUCUMBER Cuthill's black spine, Manchester prize, Victory of England, Godfrey's long French
STRAWBERRY Elton pine, Myatt's British Queen, Keen's seedling, scarlet.
THE FLOWER SEEDS
comprise a large assortment of Annuals, Biennials, &c., &c.
☞ Parties will find the present a most desirable opportunity for obtaining a change of seed; and as many of the sorts are quite new to the colony, amateurs and others should not lose the present chance. Orders sent per post will be immediately attended to; and as this is just the time for sowing, parties ordering will do well to apply without delay.
Mr. G. has always on hand the most extensive collection of Pot Plants, comprising every variety of Tree, Shrub, or Flowering Plant obtainable in the colony, also Bulbs, Tuberous-rooted Plants, &c.
Charges strictly moderate.
Exotic Nursery, Double Bay,
New South Head Road. 6262

FOR SALE by the undersigned—
Woolpacks, 10lb. and upwards
Three-bushel bags
Brushware, in assorted packages
Iron, round, flat, square, hoop, and sheet
Tin plates, IC, IX, IXX
Oilman's stores, assorted, Batty's and Co., Stringer's and Co.
Carbonate of soda and tart. acid
Gunpowder, HF, in ½ and 1lb packages
Manila and brab hats
Rasins and currants, in barrels
Candle cotton
Liverpool and St. Ube's salt
Colonial tobacco, Boydell's and Pitt's
Cutlery
Brandy, Martell's and Hennessy's
Rum, West India and Calcutta, 30 to 36 O.P.
Duckworth's and Booth's old tom
Case gin and brandy
Wines, port, Hunt's and Sandeman's, hogsheads, quarter-casks, and cases
Sherry, ditto ditto ditto
Champagne, claret, and Sauterne
Byass', Bass', and Dunbar's bottled ale and porter
BEAMES AND KEELE,
5604 Hunter-street.

OILMAN'S STORES.
ON SALE, ex recent arrivals, KINCAID AND WYATT'S
Quart and pint pickles
1lb. and ½lb. mustard
Pint and half-pint salad oil
Bottled fruits
And a large general assortment of oilman's stores, from the above house.
E. C. WEEKES AND CO.,
450, George-street,
632 Near the Post Office.

OLD COPPER SHEATHING for sale by
S. WILKINSON, JUN.,
6293 Macquarie-place.

NEW ZEALAND WOOL LASHING,
Landing ex William and Alfred,
ON SALE, by the undersigned, seven tons.
BUYERS AND LEARMONTH,
6222 Harrington-street.

WOOL LASHING.
NEW ZEALAND FLAX.
A FEW tons now landing, ex William Alfred, on sale by
6147 WILLIS, MERRY AND CO.

ESTABLISHED 1846.
LAVERS AND CO.'S CORDIALS and LIQUEURS, SYDNEY.

Noyeau	Ginger wine
Norfolk punch	Aniseed
Cherry brandy	Elder wine
Brandy bitters	Peppermint cordial
Gin bitters	Clove ditto
Rich rum shrub	Lemon syrup

may be obtained of the undersigned, or of any Wine and Spirit Merchant.
J. V. LAVERS AND CO.
Sydney, August 15. 3323

ON SALE BY THE UNDERSIGNED—
Ale—XXX Royal Diamond Ale
Brown Stout
Parties are invited to inspect the above superior articles, from the Bow Brewery, by Messrs. Abbot and Son, originally Hodgson's, so much prized in India.
R. TOWNS.
July 16. 1160

ON SALE. — Bass's No. 3 Burton Ale, brewed in October last.
THACKER AND CO.,
1300 George-street.

WIDE BAY PINE, Ex ALBION.
The only lot in the Market.
NEARLY the whole of this splendid lot is sold; - a *few* thousand feet (say about five) left. Apply at once to
JOHN MORRIS, Agent.
Albion Wharf, foot of Market-street. 6303

DERWENT POTATOES.
Now landing, ex Waterwitch, from Hobart Town,
ABOUT 60 tons Derwent Potatoes, on sale, in any quantity, at the Flour Company's Wharf; or at the stores of
ROBERT GUY,
6306 217, Brickfield Hill.

FOR SALE,
Fine Flour, of superior quality
Seconds ditto, ditto
Port Philip prime Mess Beef
Apply to
E. M. SAYERS,
Port Phillip Packet Office, 489, George-street. 6715

PRIME PORT PHILLIP BEEF.
150 TIERCES on Sale, quality warranted.
BUYERS AND LEARMONTH.
6221 Harrington-street.

CHILIAN FLOUR.
LANDING, ex Lima, first quality Chilian Flour, and on sale by the undersigned. This is the latest shipment from Chili direct, and free from weavil.
WATKINS AND DEAN,
22, Church-hill.
September 23. 6064

FINE FLOUR,
ON SALE, by the undersigned, under mill price.
BUYERS AND LEARMONTH,
6223 Harrington-street.

SECONDS FLOUR, SECONDS FLOUR, ex Favourite, from Launceston. - 100 Bags, to be taken from alongside at the Flour Company's Wharf. On sale.
JAMES COOK,
Circular Quay, September 25. 6215

FLOUR. — Now landing ex Hero, from Adelaide, 20 tons superior quality Flour; and on sale, *below mill prices*, by
JOHN MACNAMARA,
6277 Queen-street.

WHEAT. — 1800 Bushels fine Adelaide Wheat, now landing, ex Hero, and on sale by
JOHN MACNAMARA,
6276 Queen-street.

SAXON MERINO PRIZE SHEEP.
Ex Sophie, from Hamburg.
20 RAMS and 15 EWES, the finest wool sheep ever imported, are on view at Buchanan's Wharf. Apply to
A. DREUTLER; or,
4673 KIRCHNER AND CO.

TO SETTLERS AND OTHERS INTERESTED IN THE SALE OF COLONIAL PRODUCE.
MR. R. FAWCETT, Auctioneer and Commission Agent, George-street, Sydney, opposite the Barrack Gate, begs respectfully to inform Settlers and others that he will sell by auction
WOOL, TALLOW, HIDES, STOCK, AND OTHER COLONIAL PRODUCE, AT A COMMISSION OF ONE PER CENT.
After the experience of several seasons, R. F. need not point out the superiority of this mode of sale over that of sale by private contract, the result having fully borne out an advance of from 10 to 15 per cent.
Commodious Stores for the reception of colonial produce until the day of sale.
Cash advances made immediately on the receipt of produce, and supplies furnished, if required.
481, George-street.

GOLD DUST.
THE undersigned will effect sales by PUBLIC AUCTION,
at the very low commission of one-quarter per cent., which will cover all charges, except the cost of carriage.
Advances made on gold intended for immediate sale.
It is contemplated to hold a sale weekly for the above, of which miners and dealers in the interior would do well to avail themselves of, by forwarding their gold to the address at the foot.
Proceeds will be paid into either of the Sydney Banks, or remitted to a branch Bank to order.
Purchases made of supplies of every kind, from proceeds or remittances, at a commission of one per cent., and forwarded by safe carriage, on the lowest possible terms.
JOHN G. COHEN,
Licensed Auctioneer,
490, George-street. 6299

BATHURST GOLD.
THE undersigned are purchasers of Bathurst Gold.
R. CAMPBELL, SEN., AND CO.,
6121 Bligh-street.

DOLLARS AND DOUBLOONS purchased by
R. CAMPBELL,
5030 Circular Quay.

GOLD DUST.—The undersigned are purchasers of Gold Dust, in any quantity, at OPHIR and SYDNEY.
L. AND S. SAMUEL.
Pitt-street, July 11. 91

SHIPPING INTELLIGENCE.

ARRIVAL.

SEPTEMBER 25.—Jessie, ship, 679 tons, Captain Matthews, from San Francisco the 31st July, in ballast.

PROJECTED DEPARTURES.

THIS DAY.—Ranger, for London; Condor, for Lima; Spartan, for Amoy; Champion, for Port Phillip.

CLEARANCES.

September 25.—Champion, schooner, 52 tons, Captain Balday, for Melbourne. Passengers—Miss Clarke, and Messrs. Copeley, Steele, Abbott, R. Clifford, Irvine, M'Crudder, J. Clifford, Callaghan, Sinclair, M'Leod, Whitty, Acres, Fowles, Thompson, Walker, Hacking, Millar, Davis, and Berry.

COASTERS INWARDS.

September 25.—Jeannie Deans, 32, Walters, from Ulladulla, with 32 tons potatoes, 72 bushels wheat; Sacramento, 41, Bottomley, from Newcastle, with 60 tons coals; Thistle, steamer, 127, Paine, from Morpeth, with 12 bales wool, 20 casks tallow, 120 hides, 4 bales sheepskins, 100 boxes candles, 51 trusses hay, 77 bags maize, 7 bags barley, 40 pigs, 20 lambs, and sundries.

COASTERS OUTWARDS.

September 25.—Wild Duck, 39, Baxter, for the Moruya, with sundries; Sacramento, 41, Bottomley, for Newcastle, with sundries; Glenduart, 43, Pipe, for the M'Leay, with sundries; Bard's Legacy, 24, Baxter, for the Moruya, with sundries; Jenny Lind, 35, Fairhill, for Newcastle, in ballast.

EXPORTS.

September 25.—Champion, for Melbourne: 40 kegs white lead, 10 kegs tobacco, 4 cases cigars, Lamb, Parbury, and Co.; 7 casks whiskey, W. Lane; 74 cases brandy, 11 cases port wine, W. James; 1 hogshead hardware, 1 keg nails, 6 camp ovens, 3 iron pots, 1 bundle scythe handles, Nott and Edwards; 250 bags flour, Buyers and Learmonth; 159 bags sugar, H. and J. Cook; 4 bales candle-wick, M. Nab, Brothers, and Co.; 2 casks lime juice, C. Chapman, 749 bundles rattans, E. M. Sayers.

September 25.—Spartan, for Amoy: 14 bags Beche le mer; 333 bags rice, R. Towns.

SHIPS' MAILS.

Mails will close at the Post Office as follow:—

FOR AUCKLAND.—By the Emma, and the Moa, this evening, at 6.

FOR LONDON.—By the May Queen, this evening, at 6.

CUSTOM HOUSE.—Entered Outwards: September 25. Sea Belle, brig, 104, Greig, for Launceston.

The Champion, for Port Phillip, was beating down the harbour yesterday evening at sunset.

The Jessie, from San Francisco direct, 31st July, brings no later news than previously to hand per Artemesia.

LOSS OF THE NOVELTY.

To the Editors of the Sydney Morning Herald.

Clarence Island, July 12, 1851.

Lat. 9 12 S., long. 171 30, per chart.

GENTLEMEN,—It is my melancholy duty to inform you of the total loss of the barque Novelty of Liverpool, on this island (the vessel that you may remember made the passage, last December, to Auckland from San Francisco in twenty-nine days). We sailed from San Francisco, for Sydney, on the 5th June, with fourteen male and two female passengers, and had light and variable winds to the Line, which we crossed on the 1st instant, in longitude 160 45 west. We had then strong south-east trades, with heavy squalls, thick weather, and much rain. On Saturday, 5th, we took sights, and at noon, by two chronometers rated at San Francisco, we made the ship in 169 30 west longitude, and 8 28 south latitude; Saturday night was squally, with thick and cloudy weather; steering a south-west half west course. At two A.M. of Sunday, I was on deck, and went below to work up the ship's reckoning since noon, and made her, by the course steered, forty miles from the island. At ten minutes to three A.M., the second mate came hastily into my cabin, and stated that a thick haze had cleared away, and land was close to us right a-head. I ran on deck, but immediately saw nothing could save the ship; the yards were however braced round, but without avail, the current swept her on to the reef, and she struck heavily and was thrown on her beam-ends; the masts were immediately cut away, and we remained most anxiously waiting day light, the ship striking heavily all the time. After some difficulty we got on shore by means of the masts; not knowing whether the island was inhabited, a party was despatched to explore it; they soon found traces, and shortly afterwards a body of natives approached us. We made the usual signs of friendship, which were warmly reciprocated by them, in shaking of hands, rubbing of noses, and then making a low kind of moaning noise and pointing to the ship.

All the crew were immediately employed in saving such provisions, clothes, &c., as could be got at—we fortunately laid in a good supply of provisions in San Francisco, and have saved nearly two months supply, with care. The launch has been lengthened, and I am about proceeding in her to Upolu Navigators' Islands. If I am only able to fetch them, in order to obtain a vessel to take the crew and passengers off the island. If due precautions are taken there is no fear of any rupture with the natives; they are a fine race of people, domestic in their habits; we have seen no weapons amongst them; their sole dependence is upon cocoa nuts and a few cabbage palms, and fish is plentiful at times; there is no water on this island, but on an islet near by sinking casks in the sand we can obtain water, though brackish.

Clarence Island, according to the chart, is laid down as a mere speck of land; there are besides it twelve or fourteen islets, connected with it by a coral belt, from which there is no outlet except by watching a chance through the breakers. The circumference of the whole is from thirty-five to forty miles.

I deeply regret to state that in trying the launch in the still water inside the reef, the boat was suddenly capsized, and one of the seamen, John Evans, about 22 years old, a native of North Wales, was drowned. The natives recovered the body and it was interred in the usual manner. They were much struck with the ceremony.

The Novelty was very strongly built and fastened; had not this been the case, nothing could have prevented her immediate breaking up as a tremendous sea was running, and making clean breaches over her. I send you a list of the passengers and crew at foot.

According to sights taken since we have been here, the island is laid down 30 miles out. The chronometers have not varied at all since leaving and upon my arrival at a suitable place, the fact of the island being laid down wrong can be more completely ascertained.

We were fortunate enough to save the bag containing letters, but the parcels of newspapers have been destroyed; what few have been picked up I have put with the letters addressed to you. Under the circumstances, I trust that any letters addressed to other places than New South Wales will be duly forwarded to their destination.

Opata, Navigator Islands, 20th July 1851.

I am thankful to inform you of my safe arrival at this port, after being at sea nine days on my passage in the longboat, with very stormy weather.

I am in hopes to leave this island in the morning, in Mr. Pritchard's schooner, for Clarence Island.

I am, gentlemen.

Yours, most respectfully,

JOHN HARRISON, Master.

The following is a list of the passengers and crew:—Passengers—Mr. George Murray, supercargo, of Sydney; Mrs. Peters and child, of Illawarra; Messrs. Schofield, sen., near Parramatta; S. Hor..., of Sydney, Isaac Raphael, ditto; Aaron Benjamin, ditto, James Campbell, ditto, J. Doyle, ditto, M'Alhinney, ditto, John Woolter, ditto; Michael Carroll, Limerick; James Gough, Dublin; J. Miller, Sydney; Steven Swain, ditto; D. Cain, Hobart Town; J. Monro, Sydney.

Crew—John Harrison, of Liverpool, master; J. Budgeon, Isle of Wight, 1st mate; Thomas Harrison, Liverpool, 2nd mate; William Smith, New Zealand, carpenter; James Wilson, Sydney, sailmaker; Thomas Wallace, Glasgow, cook; John Hopkins, Adelaide, seaman; Stephen Smith, England, ditto; Thomas Little, Jersey, ditto; Edmund Spence, Milford, ditto; John Evans, North Wales, ditto.

DIARY.

MEMORANDA TO NEXT PUBLICATION.

September.		SUN rises	SUN sets	HIGH WATER morn.	HIGH WATER even.
26	FRIDAY	5 45	5 57	8 45	9 8

Moon's 1st quarter, October 2, 0·35 P.M.

FLOUR.—We extract the following from the San Francisco *Morning Post*, of the 30th July, dated 29th of that month:—"The demand for flour has materially increased within a few days past; the Company hold at 12 dollars per 200 lbs. The holders of outside lots are demanding an advance on last week's prices. Recent information from Chili confirms that previously received, in relation to the suspension of the mills in consequence of the very high price demanded by the agriculturists for wheat, and that little flour would be exported from there for some months."

EXTENSIVE SALE OF GENUINE SHERRY WINES DIRECT FROM CADIZ.—To the sale of these reputed first class wines the auctioneers (Messrs. Mort and Brown) request us to draw particular attention. The sale takes place at their rooms, this day, at half-past 11 for 12 o'clock.—*Communicated.*

COMMISSARIAT SALE.—We have been requested to call the attention of intending purchasers to the Government sale of stores, to be held by Mr. George A. Lloyd, at the Commissariat yard, this morning, at 10 o'clock precisely.—*Communicated.*

THE

Sydney Morning Herald.

FRIDAY, SEPTEMBER 26, 1851.

"Sworn to no Master, of no Sect am I."

OUR MARRIAGE LAW.

THE conversation which arose in the House of Lords on the 6th of June, on the presentation by the Duke of ARGYLL of a petition from certain inhabitants of this colony on the Marriage Question, will serve, we trust, as a "refresher" to the Colonial Government. Since the question was last agitated in the Supreme Court, two sessions of Council have passed away without witnessing any effort to place it on a permanent and satisfactory basis. The remedial measure introduced by the ATTORNEY-GENERAL, and now standing on our statute book as the *14th Victoria, No. 28*, is purely retrospective, applying to such marriages only as were solemnized before the passing of the Act, and not applying even to the whole of them.

It may be remembered that in the speech delivered by the GOVERNOR-GENERAL at the prorogation of the Legislative Council in October last, HIS EXCELLENCY referred to this enactment in the following terms:—

"The Act for the Confirmation of certain Presbyterian Marriages will, I trust, have the effect of removing the apprehensions entertained by many respectable persons, who, *from the neglect of the laws*, have been unconsciously placed in circumstances of great difficulty and embarrassment. It is very essential, however, that the dangerous precedent afforded by this measure should not be relied on in future, as I should hesitate again to lend my assistance in curing a defect which, it is obvious, *may be avoided by a due observance of the law.*"

These observations were perfectly understood in the colony, and were not objected to at the time because the ATTORNEY-GENERAL had distinctly intimated his intention to follow up his provisional measure by one that should be permanent and comprehensive. They do not, however, appear to have been correctly understood in England. The Duke of ARGYLL stated that he had read them "with surprise not unmingled with regret," evidently supposing that the negligence referred to in the passages we have placed in italics rested with the parties who had intermarried; whereas we all know that the fault lay at the door of the clergymen by whom the marriages had been solemnized, and on whom alone the GOVERNOR'S censure was intended to fall. Still it is not right that innocent persons should have been exposed for a whole twelvemonth to the serious consequences which the repetition of such clerical irregularities would entail. Earl GREY did not fall into the mistake into which the Duke of ARGYLL fell; but then his lordship vindicated Sir C. A. FITZ ROY'S speech on the same grounds which made it satisfactory to the colonists. "In his opinion," said the noble lord, "he (Sir CHARLES) was very right in and had good reasons for making such a declaration; *for it was manifest that the law ought to be put on a proper and permanent footing, and not to be left in such a position as to render occasional and exceptional Acts necessary.*" His grace had looked at the GOVERNOR'S observation as a threat; his lordship looked at it as a promise. "From what occurred in the last session of the Legislative Assembly, he (Earl GREY) had no doubt that in another session an act would be passed putting the law of marriage in Australia on a satisfactory basis."

We gather from the conversation that the law of marriage is what our lawyers last year represented it to be. That is, that the common law of England requires marriages to be performed by a clergyman episcopally ordained, and holds all others to be void; and that this law is in force in all British colonies, unless remedied by legislative enactment. Lord CAMPBELL complains of this as a grievance, but does not question its truth. His lordship seems to admit without hesitation, that after the decision in the case of "*The Queen v. Willis*," the presence of an episcopally ordained priest was, under the common law, indispensable to the validity of every marriage. "A Roman Catholic clergyman," he observed, "or perhaps a clergyman of the Greek Church, might be deemed sufficient; but, in the view of the law, even the Moderator of the Church of Scotland would be held to be a layman." It follows, that every marriage which has been solemnized in New South Wales since the 1st October, 1850, otherwise than by a clergyman of the Church of England or a Romish priest, unless all the requirements of the local Acts have been strictly complied with, is in law absolutely void, and its issue illegitimate!

This is a state of things which calls loudly for a prompt and effectual remedy. How is the remedy to be provided? In the discussions of last year, some of our lawyers were of opinion that the powers of the colonial Legislature were insufficient for the task, and that nothing short of an Act of the Imperial Parliament could set the matter at rest. Lord CAMPBELL does not express any such opinion, but prefers, nevertheless, that instead of leaving each colony to legislate for itself, Parliament should enact one general marriage law for all the colonies. The reason his lordship assigns for this preference is, that if the law were left to be settled by the colonies, we should have a different law in each of them, instead of one uniform law pervading the whole empire; and in case of appeal to the Judicial Committee of the Privy Council, it would be next to impossible to discover the standard by which such appeals ought to be decided.

No doubt there is much weight in this; but Earl GREY objected to Parliamentary interference on the ground, that as the machinery for celebrating marriages in the colonies must vary in each colony according to their respective institutions, it was impossible for any imperial enactment to adapt itself to these multiform peculiarities. He assumes, moreover, that the powers of the Colonial Legislature are so complete with regard to marriage, that Parliamentary interference is altogether unnecessary. And though his LORDSHIP is of course no authority on points of law, we must take it for granted that he had consulted the Law Officers of the Crown, and speaks under their advice. And as the LORD CHIEF JUSTICE virtually assented to the view so expressed, we may safely take it for granted also that Earl GREY was right.

The competency of our Legislature to deal with this knotty and complicated case, and to free it from all its knots and complications, making our Marriage Law so plain that he who runs may read, being thus ascertained, we earnestly hope the ATTORNEY-GENERAL will be prepared to submit to the new Council such a measure as shall reflect credit upon the Government, and afford general satisfaction to the community. "It was a maxim of our law, and indeed of the law of Europe," observed the COLONIAL MINISTER, "that any marriage which was celebrated in such a manner as to be a legal marriage in the country in which it took place, was a good marriage in this country and all over the world. Therefore, if the colony of Australia should take this subject into its consideration, and amend its present law, the marriages under its Colonial law would be *good there*, would be *good here*, and would not require the interference of Parliament."

LAW INTELLIGENCE.

SUPREME COURT.—TUESDAY.

IN EQUITY.

EXECUTORS COSTS.—FREAKE v. HOLT.

MR. JUSTICE THERRY delivered judgment today to the following effect in this case:—

The present case, which came on for further directions, involves an important question in which all who undertake the office of Executors in this colony are deeply concerned. I am willing to believe in the truth of the suggestion that the office is very often here a very difficult and a very thankless one, especially with reference to those on whom that office devolves, when they have to act for parties absent from the colony. It happens often that parties in their lifetime write home exaggerated accounts of their prospects and properties to their friends, and that afterwards those friends experience much disappointment and entertain suspicions frequently very unfounded ones—when they find the reality falls far short of the representations that have been made to them. The present case, however, does not come under that class,—for the property here is a colonial property, and the administrator continued for several years to reside here after he had assumed the office of administrator. The present plaintiffs sue *in formâ pauperis*, and now that the suit has been brought to a close, the defendant is found by the Master's Report indebted to the estate in the sum of £346 2s. 2d.—The principle question then that now remains to be disposed of, is whether the defendant should pay any, and what, costs? No doubt Courts are usually, and justly, indulgent to executors; and even when there is nothing found against them beyond negligence, or the retention of money, though they may be charged with interest, yet they are still entitled to the costs of suit;—but, on the other hand, if they refuse to render their accounts, they will be charged with the costs of a suit to compel them. In dealing with the present case, it is important to keep in view the dates of some leading events. It appears then, that administration was granted to the defendant on the 29th September, 1840, but that no accounts were filed until the 29th of March, 1849. It moreover appears, by proceedings on the Ecclesiastical side of the Court (which were in evidence before the Master), that the present defendant, not having exhibited either an account or inventory, according to the terms of his bond, was sued upon his bond by the Attorney-General, (see Supplement of Practice, p. 141.) which only failed on the technical ground that the order for putting the bond in suit was made at the instance of the party not in legal strictness interested. Further, it appeared that prior to the filing of the bill—so far back as the 29th of September, 1844—notice was served on the defendant, requiring him to furnish the plaintiff with accounts of all monies received and expended as administrator. This application was made as well on behalf of the children as of the mother, their guardian, who was the natural and proper party to make the application, and it was not complied with. Again, at the time of filing the bill there was an admitted balance in the hands of the defendant of about £105, though the real balance in point of fact exceeded that amount. These are the prominent facts established in favour of the plaintiff.

On behalf of the defendant, the general argument was urged that if it were not that some claims were allowed to lapse, by the Statute of Limitations, and other claims disallowed by the Master, the balance would have been in favour of the administrator;—and that under such circumstances there would be a hardship in not only depriving the defendant of costs out of the estate, but also in obliging him to pay costs. In reply to that argument I can only say, that I feel bound by the finding of the Master as to the state of the accounts reported by him. He has disallowed these claims, and his disallowance is not excepted to, and it is not for me now to consider by how many degrees the defendant approached or fell short of the requisite proof sufficient to sustain these claims. As to the suggestion that this defendant had to contend with a pauper, against whom he could recover no costs, it admits of this observation, that if he had duly furnished his accounts he would not have put it in the power of the pauper to file a bill successfully against him, and it is moreover open to the suggestion that a party may be the more disposed to litigate—calculating that the suit against him may be prosecuted with less promptitude and vigour, from the circumstance of his competitor being a pauper.

Reverting then to the leading facts of the case, which I have already noticed—to the great length of time that has intervened between the taking out administration and filing the accounts, it appears to me that the present case comes under the principle of that class of cases, of which Collyer v. Dudley, Turn. and Russell, 421; Pearse v. Green, 1 Jac. and Walk. p. 135; Mines v. Davidson, 3 Maddox; and an anonymous case reported in 4 Mad. p. 273, furnish an illustration. The case of Collyer v. Dudley was that of an agent not rendering his accounts within a reasonable time. There the Court decided he should bear the costs of a suit instituted to have the account taken; and it was held to be no excuse for him that he offered to pay on account a gross sum which it turned out would have covered all that was due from him. "The delay of the defendant," said the Master of the Rolls, "rendered the suit necessary; and he must pay the plaintiff's costs." As to the suggestion at the argument, that this was the case of an agent, and not as the present case, of an administrator, in principle there is no difference. The rule relates to all persons clothed with a fiduciary character. "I cannot," said Lord Eldon, (in the Earl of Hardwicke v. Vernon, 14 Ves. 510) discover any difference between the implied contract supposed to arise out of the duties of trustees, assignees, and executors, though differing widely certainly in character, and the implied contract of receiver and agent,—who is bound faithfully, diligently, and accurately, to account at least when called upon; and not to suppress, conceal, or overcharge." Adopting this doctrine, The Master of the Rolls in Pearse v. Green said, "They all stand in the same situation to be constantly ready with their accounts.—Was that the case with these persons? No—*it is admitted that though called upon they rendered no account.* It cannot then be said that in their character of agents and managers they performed their duty," and in this case, and for the same reason in the present case it cannot, in my judgment, be said that this administrator performed his duty. In Flanagan v. Nolen, 1. Molloy, 86, a case always cited as favourable to executors, and in a decision by a Judge (Sir A. Hart), who always showed them much indulgence. He said: "If he (the executor) refuses to account * * He should be disallowed or charged with costs." In Mines v. Davison, the Vice-Chancellor enumerates certain terms with which, if the defendant had complied, he would not have obliged him to pay costs. There are, 1st, the proving that, previous to the bill filed, the defendant had rendered an account of what was due; 2ndly, a readiness to pay what was due; and, 3rdly, if, after bill, the defendant had tendered what was due and the costs of the suit up to the time of the tender. These terms have not been complied with in the present instance, and therefore here, as there, in my opinion, the defendant should be made to pay costs. The anonymous case mentioned in 4 Maddox, sustains the same position. On further directions there, the case appeared to be that application had been made to an executor for an account, but that he had given no account. The Vice-Chancellor made him pay the costs of the suit up to the decree, but relieved him from the costs of the subsequent proceedings on the ground that the account given by the answer was correct; but here not only is the account incorrect, but the items of it are disputed to the last before the Master. On the whole then, sufficient in my opinion appears from the answer and the evidence, to show that the plaintiff could not obtain justice without a bill, and that by the refusal to furnish accounts, and the unreasonable delay in furnishing them (with which the administrator should have been at all times ready), he rendered this suit necessary, and he ought therefore to pay the costs.

As to what the costs should be, I am of opinion they should be *Dives* costs. Such costs, no doubt, are in the discretion of the Court;—but here I can see no ground for exercising that discretion adversely to the plaintiffs. Counsel and solicitor give their aid to the pauper, and not to the defendant. The latest case I can find upon the subject is that of Ruberz v. Morris, 1st Hall and Twell's Rep. p. 401. The Lord Chancellor in delivering judgment there said that "he considered it to be most consistent with principle that if a party asserted by a bill an unfounded claim, or resisted by his answer a well-founded claim, he ought not in either case to profit by the the poverty of his opponent",—and he accordingly awarded *Dives* costs against a plaintiff dismissing his own bill against a pauper.

It is requisite to state by way of explanation, that as it appears by the Master's Report that the sum of £18 9s. 2d. has been paid to the widow of the intestate by the defendant, and the Master has allowed him this sum on his discharge, which being added to the sum of £349 2s. 2d. found due to the estate, make together £367 11s. 4d.—the whole amount which is to be divided between the widow and children. On the inquiry described as to who were the next of kin of the intestate, the Master has found that he left the plaintiff E. Freake, then E. Salter, his widow, and the four other plaintiffs, his only children. The widow then should be entitled to one-third of the £367 11s. 4d., being £122 10s. 5d., of which she has received £18 9s. 2d., leaving £104 1s. 3d., which I decree shall be paid to her husband by the defendant (the plaintiff E. Freake and her husband making an affidavit before the decree is drawn up that no settlement or agreement for a settlement has been made affecting or relating to that sum) within 2 days from this time. As the other defendants are infants the remainder of the sum of £367 11s. 4d., after deducting the sum of £122 10s. 5d., being £245 0s. 11d., must be paid into Court within the same time, to be carried to separate accounts—one-fourth to the account of Mary Anne Salter, one-fourth to the account of Thomas Salter, one-fourth to the account of William Salter, and the remainder to the account of James Salter. Let the costs be taxed as *Dives* costs, and be paid by the defendant to Mr. Yarnton, the plaintiffs' solicitor, within 21 days after the taxation thereof.

SATURDAY.

BEFORE his Honor MR. JUSTICE THERRY, and a Jury of four.

LORD v. CAMPBELL.

This was an action on the case. The declaration alleged that the defendant obtained permission of the plaintiff to pull down part of a wall of a messuage of the plaintiff, situate in Macquarie-place, Sydney, and contiguous to a close upon which buildings were then in process of erection by the defendant, and to build upon and against the plaintiff's said messuage, and upon the land upon which the plaintiff's messuage stood, for the purpose of erecting the defendant's buildings. The declaration then alleged that the defendant acted upon such permission, and pulled down part of the plaintiff's wall, and put, placed, and inserted large quantities of building materials in the messuage of the plaintiff, and against the wall thereof. The declaration then charged the defendant with having so carelessly, negligently, unskilfully, and improperly conducted the works that the plaintiff's messuage has been made ruinous, dilapidated, unsafe, and uninhabitable, and that the plaintiff had been put to great expense in shoring up the same, and in taking measures to prevent its downfall.

In this declaration the defendant pleaded not guilty.

The Solicitor-General and Mr. Fisher conducted the case for the plaintiff, Mr. Foster and Mr. Broadhurst appeared for the defendant.

MR. FISHER opened the pleadings.

The SOLICITOR-GENERAL stated the case. The plaintiff and the defendant had severally purchased two adjoining houses in Macquarie-place. The defendant being desirous of pulling down the one which he had bought, and building a new house on its site, and finding that according to the plans of the proposed new building is would be necessary to pull down a portion of the eastern wall of the plaintiff's house he (the defendant) obtained the permission of the plaintiff to take down as much as was actually necessary to make the intended alterations. Instead, however, of confining himself to what was requisite for the purpose, namely, shaving off a portion of the wall in a diagonal line, the learned counsel would prove that the defendant had not only taken down much more of the wall than was necessary, but had conducted the pulling down in so reckless a manner as to render the plaintiff's house dangerous and unfit for habitation. He (the Solicitor-General) had been to view the premises, and so had the Jury, and it was evident to him that the fragment of the wall which remained must soon fall down altogether. It would cost at least £150 even to patch it up.

Mr. Kenrick Robertson, examined by MR. FISHER: Proved that he surveyed the premises on 28th and 30th of August last, and also yesterday; that the eastern flank of the plaintiffs' house was built with two cases of stone (ashler stones, they are called) and filled up with rubble to the height of 12 feet, with a brick wall above. That the external ashler stone had been cut away, generally to the depth of 9 inches, but in one place to the depth of 18 inches; that the extent in length of the cutting was 33 feet; that where 9 inches are cut away, one would have been sufficient; that the defendant's new stone wall at the north-west or back corner is built against the face of the inner thickness of the plaintiff's wall, and that a vacancy is left between the face of the new work, and the rubble on the plaintiff's wall. The witness then gave a detail of numerous cracks, settlements, and other injuries done to the plaintiff's house internally and externally, and said that the ashler stones appeared to have been removed carelessly, that it would take two or three months to make good the damage, and cost £150; and that if the walls had been built parallel the injury could have been avoided.

Cross-examined by MR. FOSTER: They might have saved the wall by making it good as they used it; and if the old facing had been replaced it might have lasted 20 or 30 years.

By the JUDGE: I do not consider a wall built of ashler and rubble a good substantial wall.

Mr. John Lord, examined by the SOLICITOR-GENERAL, proved that he occupied the plaintiff's house up to May last, and on examining the house yesterday, he saw many cracks in the walls which did not exist when he lived there. The wall was very good till the foundation for the defendant's new house was laid.

Mr. A. Torning, examined by MR. FISHER: Was employed to paper the plaintiff's house, in May last; the walls were then in the same state as they were five years ago; no cracks, and no settlements, the wall was sound. The foundation for the defendant's house had not then been laid; had seen the plaintiff's house since, and should not like to live in it now; the wall was not carefully taken down.

Cross-examined by MR. BROADHURST: I am a decorator and painter, and had nothing to do with pulling down the wall in question, any more than my fancy led me.

MR. BROADHURST: "Pray, where was your fancy bred?"

Witness: In London—there they generally shore up walls; this wall was not shored up, and that is why I think it was carelessly done.

TUESDAY.

The case was resumed this morning.

Mr. W. Hindson, examined by MR. FISHER: I knew the plaintiff's side wall before it was pulled down. Some time back plaintiff's house was in fair order for an old house; the walls were good thick walls. They pulled down the outside of plaintiff's wall I think carelessly; they shored it up with a few stones or a piece of wood to prevent the upper stones falling. They may have been filling lately between the old and new walls, but they did not do so at the commencement; I told plaintiff I thought they were ruining his house: I saw a part of plaintiff's wall taken away; I did not see it replaced; they dug a great way into the wall; if they had put anything into the wall or replaced what was removed, I must have seen it, as I was constantly passing and repassing. During the time they were digging into the wall I told plaintiff that his house would come down. Whilst the building was going on I recollect plaintiff expressing his disapprobation to defendant; plaintiff wanted to arbitrate a month or six week's back; plaintiff objected to the work; defendant said he had nothing at all to do with it, it was the contractor; defendant told me that I was going to be appointed an arbitrator; I objected; I said you had better not appoint me, as I shall give it against you; there were cracks in the house.

Cross-examined by MR. FOSTER: From the way they went to work in the wall, the strongest wall would come down; they used picks and hammers; I should say it was very carelessly done; I used to joke with plaintiff, and say he would be buried in ruins; his wall was not knit with the other wall.

Mr. William M'Nab was examined by the SOLICITOR-GENERAL, but his evidence was not material.

Mr. A. Campbell examined by the SOLICITOR-GENERAL: I am the defendant in this action; Couseley is the contractor for my house; James has, I believe, the superintendence since Cousely had a fall in the Barrack-square; Mr. Hume is the architect.

Mr. J. Armytage Buttrey, examined by the SOLICITOR-GENERAL: I am a merchant, and occupy part of plaintiff's building; when Mr. John Lord lived there I noticed nothing in the lower room; I have seen the cracks pointed out by the plaintiff a fortnight ago; I have examined the building since; I cannot say if what was taken out of the wall was taken away carefully.

Mr. Alexander Learmonth, examined by the SOLICITOR-GENERAL: I know the premises lately built by defendant, adjoining plaintiff's house: I saw them frequently whilst the building was going on; the stones were taken out of plaintiff's wall with a pick; plaintiff's house towards defendant's was perfectly sound before the latter began to be built; six weeks or two months ago I noticed large cracks in the front room.

Henry Mansfield, examined by the SOLICITOR-GENERAL: I am storekeeper to plaintiff; before defendant's work commenced the walls were all sound towards defendant's; when defendant's building was commenced they dug out alongside of plaintiff's wall; they pulled the stones out with a pick, and took the facing off three or four feet in length and three or four feet in height. There was no shoring, but only stones put up to keep the upper stones from falling down. There was a vacant space between the two walls. After defendant's wall was up four or five feet from the foundation, I saw cracks in the plaintiff's parlour; they appeared through the paper, I saw old paper taken off; there were no cracks when the new paper was put on; in the foundation of plaintiff's house beams went between the rocks; defendant built up all between the rocks; shortly after the first appearance of the cracks, plaintiff took Mr. Hume into the house and showed him the cracks; Hume has been there twice since with the plaintiff; the plaintiff went for him to show him the cracks; plaintiff told Hume there was great danger in pulling down the wall in the way in which it had been pulled down; I saw Mr. James three or four times a day superintending the work; I believe he is Mr. Couseley's partner; Mr. James gave directions.

Mr. Wm. Wallis examined by MR. FISHER: I saw defendant's building going on frequently; I saw them taking down plaintiff's wall; occasional wedging was the only precaution taken; they supported the stones with a wooden wedge whilst they pulled down the old wall and built up the new. The wall was pulled dow with a pick, stone hammer, and crow-bar; it was quite necessary to have shored up the wall previous to cutting it away for the purpose of underpinning. Shoring should have been introduced; the expense of shoring would not have been above £25 or £30; the new wall is built ten inches into plaintiff's wall in front, and two inches in the rear; but there were vacant spaces from excavation not filled up between twelve and eighteen inches, and when the rubble stones fall down the wall must go; defendant's wall is two feet in thickness; the space between the old and new walls ought to have been packed up; the old ashler which came out would have done; this might have cost from £5 to £10; cracks appeared in June in various places where the old wall was cut away; the cause of the cracks was omitting to shore up and to pack between the two walls; I have seen the new cracks frequently since; the wall has settled within the last week; the effect of this will be ultimately to take it down; it is unsafe; I would advise no one to live in the house; there may not be immediate danger, but the wall may go without the slightest notice; the effect of it will be that it will belly into the room; the one pair joists and a stack of chimneys are the only things supporting the walls; it will be necessary to pull down the wall and build another in the place of it, the cost of which would be £150 to £160; it might be necessary to pull down some of the cross walls; with ordinary repairs the house would have lasted 20 or 30 years.

Cross-examined by MR. BROADHURST: I was engaged in building a store adjoining.

Mr. T. Cowlishaw examined by MR. FOSTER: I am a builder. The plaintiff's house would have lasted at least fifteen years if it had not been touched. Shoring or kneedling and building up as they went up with the other wall should have been adopted. I am astonished that the wall stands. The inner side of plaintiff's wall is very bad. It is unsafe. It would cost from £130 to £160 to make the house safe and secure. This would not be done under one month or six weeks, and would, during that time, be uninhabitable. There could not be less cut away than there was from the nature of the work.

MR. FOSTER applied for a nonsuit, to which the Solicitor-General declined to submit.

MR. FOSTER then addressed the Jury for the defendant. The Solicitor-General has conducted the case for the plaintiff with great tact, but he has not shown a part of the case which he ought to have done, and which he (the learned counsel) would lay before the jury, from which it would appear that the defendant obtained from the plaintiff permission to pull down the wall, under which permission the wall had been pulled down. The license ought to have been put in evidence, and then it would have been seen whether it was absolute or clogged with conditions. A great deal had been said about the condition of plaintiff's building; but he (the learned counsel) would show how long those miserable buildings of the plaintiff's would have stood. The law is so strong in the defendant's favour that he could not help troubling them with a few cases. [The learned counsel cited Payton v. Lord Mayor of London, 9 B. and C. 725, and Chadwick v. Trower and others, 1 B.N.C. 1.] Where two parties have adjoining premises, the one may take down his wall and the other must shore up his for his own protection. A permission was given by the plaintiff to the defendant, but no proof has been given in any way whatever what that permission was; and if the permission were clogged with no conditions, the person to whom the license was given has a right to exercise the license to the fullest extent. This case is of the greatest importance to the defendant, for if the plaintiff succeeds he can compel the defendant to take down this wall; and under the Building Act the plaintiff might have been compelled to have contributed towards building the wall. The plaintiff has got a good wall next his building, not a "double-faced" rubble wall. The new wall will be a benefit to the plaintiff, who has got a two foot wall from which he eventually hopes to derive a benefit as a party wall. It is an old saying that too many cooks spoil the broth, so here too many witnesses have spoiled the plaintiff's case. It will be proved that the plaintiff superintended the wall till it got ten or twelve feet high, and that it was not till the middle of June that plaintiff made any complaint. This old building of the plaintiff was a very infirm old building, and it would be shown that plaintiff said it was a building "ripe to come down," and that he intended to pull it down in twelve months. It would be proved that everything was done with the greatest care. The plaintiff came and was meddling every day, almost every hour, ordering this thing and that to be done, and bothering the men exceedingly. If the building be bad it is to be attributed to the plaintiff himself, who sets himself up as a bit of an architect. It would, however, be shown that the work was done most carefully, and that the face of the wall only was chipped away. Everything was done to protect the plaintiff's interest. It was clear that the plaintiff ought to have shored up his premises, and not the defendant; and before a Jury could give a verdict for the plaintiff, the defendant must be shown to have acted with carelessness and negligence. [Moo. and M. 169. King v. Warren, 2 Starkie's Rep., 777.]

Mr. J. Hume, examined by MR. BROADHURST: I am an architect, and am employed as an architect by the defendant in the building in Macquarie-place; I was not present when the arrangement was made between the plaintiff and the defendant, but in the after part of the same day the plaintiff told me he had given his consent to the defendant to go into his wall, commencing with nothing at the back. He asked me if I thought his house would fall down, as it was ricketty; I said I thought it would not. Something was said about making defendant's wall parallel with Mrs. Terry's wall. Beginning from nothing at the back, the cutting would be 11½ to 12 inches in the front. I went there once a day; it was commenced about the beginning of April. There was a tender got for the wall that each might know what he had to pay. This arrangement between plaintiff and defendant was about the end of May. The arrangement between plaintiff and defendant was carried out, and when the wall had been cut 11 or 12 inches, it was proved that it was a random foundation composed of stones and timber. Plaintiff said defendant's wall was to square with defendant's other wall. Plaintiff said he was afraid of his house altogether, as his house was "ripe to come down." The construction of defendant's wall was a bad kind of colonial wall. The lower part was ashler set on end, the upper part of brick. When the outside ashler was taken away loose stuff followed it. There was a large piece of timber under part of the foundation, which rested on rock on one side and earth or clay on the other. The foundation looked as if it had tumbled in. Saw plaintiff there frequently. I have heard plaintiff speak to the men but he gave me no instructions. I heard him give instructions about some headers going into defendant's wall, and I said if they went into defendant's wall it would make the wall look very rough. Plaintiff used to say sometimes that his wall would ultimately come down. I did not object to the headers. Plaintiff ceased to give directions, when the wall was twelve or fourteen feet high. In carrying out the arrangement the men were as careful as they could be, considering that plaintiff's wall was a frail one. One stone was removed before another was placed. I have seen plaintiff taking down for the last four or five weeks premises abutting on his house. The removing these buildings would have the effect of taking away a buttress from a weak shaky wall. Defendant's wall is the thickness for a party wall if it were ever claimed as a party wall. Plaintiff said he was not in funds to go to any expense at the present time, but that defendant would go to the full expense himself, and give him twelve month's credit for what he had to pay for the wall as a party wall.

Cross-examined by MR. FISHER: The building plaintiff has pulled down was abutting on plaintiff's wall beyond defendant's wall. There are no cracks at the back part of plaintiff's building near where the buildings were pulled down; I have seen plaintiff talking to the men, and telling them to replace the packing which came out of the old wall; I have heard defendant say that he was willing to refer the case of the wall to two merchants; plaintiff spoke sometimes about little cracks widening; they appeared to be old sores.

Mr. B. James, examined by MR. FOSTER: I am a builder; I know Couseley; he broke his leg; I have been connected with him several years; Couseley built defendant's stores; I was requested to overlook it; I was present when plaintiff gave the permission to the defendant; I was requested to measure the ground; defendant asked plaintiff to let him put his wall into plaintiff's, to make it parallel; plaintiff thought that it would not endanger his premises; I said it would cause more expense; plaintiff said it should be done if it did not endanger his house, or bring it down; I was not contractor; I went there to see how Couseley's men were proceeding; I had no contract with either of the parties, neither was I agent for them; I saw the building when in progress; it was carried on according to the arrangement between plaintiff and defendant; plaintiff's wall was not pulled down carelessly; the work was done in the most careful manner possible; saw plaintiff there frequently whilst the work was going on, from the time it was commenced; the wall was 14 feet high the last time I saw plaintiff there; I seldom went there without seeing plaintiff; I was there once or twice a day; the plaintiff was anxious the leading stones of his wall should go into defendant's; the filling up was required more below than above, and I have seen plaintiff there when they were filling up, and when they were taking out the ashler; it was very thin; the walls were wedged up and shored up, as they went along; once or twice plaintiff applied for more wedges, and detained the men to wedge the wall up; and afterwards expressed his regret at having given permission, as he was afraid it would endanger his own house.

THURSDAY.

This case was continued to-day.

John Reardon, examined by MR. FOSTER: I worked at the defendant's wall; I saw plaintiff there frequently, whilst working there; he used to be there two or three times a day; he now and then required us to put in a wedge, and we did so; this was during all the time I was working at the wall, which was about a fortnight; the plaintiff told me to pin up a crack over the doorway, and I did so; as the work proceeded I packed between the walls; saw him there frequently; on one occasion he threatened to stop us if we were not very cautious; he said he thought it would stand his time, for in 10 or 12 months he would have a new place; the wall was 7 or 8 feet high when I left, and I had been packing during that time; there were three courses of foundation before I commenced working, and there were four courses more, making 7 feet in height before plaintiff complained.

Andrew Devlin, examined by MR. BROADHURST: I know the wall adjoining plaintiff's house; I saw plaintiff there first when I commenced building the wall; he was there daily until the wall was twelve feet high; small stones and bricks were put between the two walls; plaintiff gave directions, and they were complied with by the workmen; after he gave directions he would stand for half an hour and see what was done; plaintiff said he thought he would pull down the old wall in less than twelve months; the plaintiff saw the packing as it went on.

Cross-examined by the SOLICITOR-GENERAL: Plaintiff on one occasion said he thought he must stop us, but he did not do so.

Isaac Nolan, examined by MR. FOSTER: I was one of the first employed at defendant's building; I dressed the stone; I worked at the wall at the commencement, and frequently saw plaintiff there; he gave directions, and any directions he gave were followed; he was there nearly every hour.

Cross-examined by MR. FISHER: I was cutting stone near.

The SOLICITOR-GENERAL replied: The cases which were quoted on the other side are cases where a man pulls down his own wall on his own ground, and if a neighbour has a flimsy wall adjoining, and trusts to its support to the adjoining wall it is the neighbour's duty to shore it up, and take care it does not fall down, these cases are not parallel to the present; as the defendant in the present case pulled down part of the plaintiff's wall, and built his wall into it. The defendant has been represented as a great improver, and the plaintiff as an obstructionist. This has nothing to do with the case, as the plaintiff has a right to do what he likes with his own. Proper precautions were not taken to protect the plaintiff's wall as is demonstratively evident by the cracks which have appeared since the defendant's wall was built.

HIS HONOR in summing up, told the Jury that the issue was a very simple one, viz.:—Whether or not the defendant having got permission from the plaintiff to build into his wall exercised the permission properly, or whether in building into the wall he did it in a careless and negligent manner. They had been engaged three days in this case, but HIS HONOR stated that he never had a case before him so fit for arbitration as this was, and some one of the respectable witnesses who had been called might have settled the differences between the parties. The case was one of a peculiar character. A permission was given to the defendant, which he had a right to avail himself of, and the plaintiff must have expected that his wall would have been damaged. The question is, has the defendant done his part of the building in a satisfactory manner. The first thing they would have to decide was, what was the permission given by the plaintiff to the defendant? Secondly, did the defendant so use the permission as to endanger the plaintiff's house, and in availing himself of the permission, could he have done otherwise than he did? And, thirdly, is the injury which the wall has sustained the result of intrinsic infirmity of the wall? If they found for the plaintiff, their verdict would be accompanied with reasonable damages.

The Jury, after a short deliberation, returned a verdict for the plaintiff, damages £45, and added that they were of opinion that the case was one which ought to have been referred to arbitration.

Attorney for the plaintiff, Mr. John Smith; attorneys for the defendant, Messrs. Rogers and Russell.

LORD v. CAMPBELL.

This was an action of trespass between the same parties as the previous action. The declaration alleged that the defendant broke and entered the plaintiff's close, and fixed building materials and erected a wall thereon. The defendant pleaded, 1st, not guilty; and, 2ndly, leave and license. The plaintiff joined issue on the first plea, and, to the second replied that the license had been revoked. The revocation was traversed by the defendant, and the plaintiff joined issue upon the rejoinder of the defendant.

The Solicitor-General and Mr. Fisher conducted the case for the plaintiff; Mr. Foster and Mr. Broadhurst appeared for the defendant.

After Mr. Fisher had opened the pleadings,

The SOLICITOR-GENERAL stated that this was a different action to the last. The plaintiff gave a verbal license to the defendant which he revoked; and that, after revocation, defendant assumed a right to proceed. If plaintiff saw defendant exceeding the license he had given, he had a right to revoke it. (2. Saunder's Rep. 113 a. and 113 b., note; Andrews v. Adams, 15. Jur. 149.) The license was not by deed, and, consequently, revokable at the plaintiff's pleasure. The plaintiff wishes to try the right, as the defendant persisted in his building.

Several letters were put in and read, which went to show that a license had been granted by the plaintiff to defendant, but which had been subsequently revoked.

All the evidence in the previous trial was considered as read.

Mr. W. Wallis examined by the SOLICITOR-GENERAL: I saw the wall defendant was building between the 24th of June and the 7th or 8th August. The walls were carried up between June and August, and were a few feet up on the 24th of June; I think half the ground floor was up on the 8th of July, about 18 or 20 feet above the basement; I have seen defendant there constantly about that time; some of plaintiff's wall has been taken down since the 8th of July; it was taken down piecemeal.

Cross-examined by MR. FOSTER: I would not say to three feet how high the wall was on the 8th of July; the wall was, as nearly as I can judge, fourteen feet high on that day.

Mr. J. Smith examined by MR. FISHER: The wall on the 8th of July was eight feet high from the foundation.

Cross-examined by MR. FOSTER: I will swear it was not thirteen feet high on the 8th of July, but I will not swear that it was not twelve feet high; it was eighteen feet deep at that part where there was a cleft in the rock.

Re-examined: Notice was served upon the defendant, the contractor, and the architect, on the 8th of July.

John Sheerer examined by MR. FISHER: I was at work at the wall when plaintiff served me with a verbal notice; the first joists were laid; I went on with the wall notwithstanding the notice, by order of Mr. James.

The defendant's counsel admitted that the work was proceeded with by the defendant after the plaintiff's notice.

MR. FOSTER addressed the Jury for the defendant. One action does not appear to have satisfied the plaintiff, and therefore he has two. The plaintiff has an action in case, and one in trespass, to put the defendant to a double set of costs. This is a case that must be put out of Court, for they (the jury) would never give redress where redress had been already obtained. The plaintiff admits that he gave the defendant leave to commit the trespass, but says that he revoked the permission. What the plaintiff calls a revocation does not amount to one, it is only a notice to defendant that the license had been improperly exercised. The revocation ought to be in express terms, but it is not so here. And the plaintiff says, that as the permission was not by deed it was revocable. The learned counsel concluded by citing Wood v. Leadbeater, 13 M. and W., and 9 Jur. and Wood v. Manly, 11 A. and E. 34, as cases similar to the present.

HIS HONOR, in summing up, said it was for the Jury to consider whether they were satisfied that the license was revoked or not. The action was for a trespass on plaintiff's land, by the defendant. The defendant says, first, that he is not guilty, and secondly that he had a license to trespass. On these pleadings, the only question to be tried is, was there a revocation of the permission? The plaintiff having given the license might revoke it. It was for the Jury, however, to consider whether there was a revocation, or, whether the plaintiff sought compensation for the careless way in which the license had been exercised by the defendant. If the latter, he had been compensated by their verdict in the previous action.

The Jury, without leaving the box, found a verdict for the defendant.

MANNING v. MITCHELL.—This was an application by the plaintiff, a female, that the defendant might be ordered to make provision for the support of an illegitimate child, of which he was alleged to be the father and the complainant the mother. His income was stated to be 24s. a week. The Bench made an order for the weekly payment of 7s. for the support of the child.

MR. CHEEKE.—We find that we were in error when we stated in yesterday's leading article that the income of Mr. Cheeke, as Commissioner of the Court of Requests, was £1000 a year. We understand that the salary of the learned gentleman is £800 a year, and £2 per day when on his Circuits in the county of Cumberland.

EMBEZZLEMENT.—William Pullinger, lately in the employ of Mr. Evans, rectifier, was yesterday charged with several acts of embezzlement, but the case was not closed. He stands remanded for further evidence until Friday.

DOMESTIC INTELLIGENCE.

INSOLVENT COURT.

THURSDAY.

BEFORE W. H. KERR, Esq., Chief Commissioner of Insolvent Estates.

In the estate of James Roberts, a second meeting was held. Insolvent filed an amended schedule, and claims amounting to £350 11s. 8d. were proved against the estate.

In the estate of William Blaxland, an adjourned single meeting was held, at which insolvent was examined at some length, but no claims were proved.

In the estate of John Gorrick, a certificate meeting was held, and the certificate was granted without opposition.

In the estate of John Westmore, a certificate meeting. Grounds of opposition to this insolvent receiving his certificate had been filed, but insolvent did not appear. The meeting was therefore adjourned for a fortnight.

MEETINGS THIS DAY.

In the estate of Samuel Terry Hughes, an adjourned special meeting, under a Judge's order, for examination, at half-past 10 o'clock.

In the estate of John Goodwin, a special meeting, to decide upon an offer of composition, at noon.

MEETINGS TO-MORROW.

In the estate of Philip Magrane, an adjourned single meeting, at half-past 10 o'clock.

In the estate of Acton Sillitoe, a special meeting, at half-past 11.

YESTERDAY'S RECEIPT OF GOLD.

THE gold brought down yesterday to the Colonial Treasury, under escort, and consigned to private individuals, weighed 5336 ounces, 12 dwts., 1 grain – that for the Government weighed 160 ounces. By the mail, about 960 ounces were received. The total amount (independent of what was brought down by private hands) was 6456 ounces, 12 dwts. 1 grain.

The cash transmitted to the Treasury for gold digging licenses was £2800.

The following is the list of the consignees:—

	Oz.	dwts.	grs.
Robert Orr	17	0	0
Margaret Donaldson	6	0	0
Emma Douglass	2	15	0
William Baker	15	0	0
W. P. Peek	11	6	12
James Cassidy	16	10	0
J. A. Weedon	69	7	0
Mrs. Evers	6	10	0
Joseph Simmons, senior	114	10	0
William Lane	98	11	11
William Williams	146	10	0
Mary Turley Jones	100	0	0
Mary Desmond	6	0	0
Isabella Temple	7	15	0
Sarah Brown	6	0	0
Mrs. Joiner	12	6	0
William Redman	30	0	0
R. B. Sheridan	2	0	0
Mary Fisher	3	0	0
Thacker and Co.	12	0	0
Frederick Byers	8	15	0
R. B. Sheridan	3	0	0
Jane Bannan	7	4	0
George Talbot	67	10	0
L. and S. Spyer	70	0	0
F. W. Clarke	13	17	0
W. W. Emery	6	5	0
W. C. Preston	130	0	0
Hugh Dixon	90	0	0
J. G. Cohen	40	10	0
Ditto	250	0	0
John Row	26	0	0
George M'Mally	6	10	0
Henry Bayley	26	10	0
Mrs. M. Holyroyd	8	0	0
Eliza Manning	3	0	0
William Dean	5	15	0
Ann Parton	7	15	0
Dinah Isaacs	11	0	0
William Mundy	33	10	0
Margaret Bloodsworth	3	0	0
J. H. Asher	30	0	0
Abraham Cohen	113	15	0
James Kelly, sen.	98	5	0
R. Campbell tertius	146	14	0
Ditto	169	0	0
Eleanor Wheeler	34	0	0
Atkinson Tighe	11	0	0
Catherine Tait	2	15	0
Denis O'Brien	32	0	0
D. Jones and Co.	48	0	0
William Speir	6	15	0
Matilda Harkin	5	15	0
Iredale and Co.	28	0	0
Donald Munro	16	0	0
R. M. Pite	15	0	0
Margaret Denshy	6	0	0
Esther Pusey	31	0	0
John Berriman	2	0	0
A. M'Arthur	31	10	0
F. W. Clarke	177	5	0
Walter M'Errery	17	0	0
Thomas Irwin	54	5	0
James Murphy	32	0	0
Arthur Devlin	40	5	0
Thacker and Co.	198	11	0
Robert How	234	0	0
Cooper Brothers	52	3	0
Robert How	162	5	0
James Middleton	83	3	0
W. C. Wentworth	49	0	0
G. C. Tuting	10	0	0
L. and S. Samuel	168	5	12
William Long	30	0	0
L. and S. Samuel	48	12	0
John Davis	11	15	0
Charles Way	14	0	0
John Davis	7	5	8
R. Campbell, tertius	56	16	0
Ditto	160	9	0
Flavelle Brothers	34	10	0
William Maynard	30	0	0
Young and Co.	165	10	0
William Weeks	74	0	0
R. Campbell, tertius	172	16	6
Ditto	182	0	0
William Adnum	34	5	0
Patrick Kane	1	0	0
William Long	269	0	0
Mary Kane	6	0	0
E. Austin	632	0	0
Colonial Government	160	0	0
Total ounces	5496	12	1

In consequence of the difficulty in finding money to pay for the large quantities of gold now offered for sale, the price has fallen from 65s. and 65s. 6d. to 64s. 6d. and 64s. Two or three of the hitherto largest Sydney purchasers left off purchasing yesterday; and the Banks have reduced their advance to £2 per oz. It is very clear that the greater part of the money paid for the gold is neither circulated again nor deposited in the Banks, but hoarded by the sellers, who are a different class to the gamblers and reckless squanderers of California.

To meet this temporary inconvenience, it is in contemplation amongst some of our leading traders to issue gold tokens of the value of twenty shillings, which, if taken freely by the retailers, will assist materially in relieving the difficulty which now appears to threaten our monetary circulation. Such a plan was carried out, with success, in the early days of the gold discovery at San Francisco. In London, during the last war, when copper coins were bought up at a premium by coppersmiths, the retailers found it highly advantageous to issue penny and half-penny tokens, on which their address appeared, and even now, at Melbourne, where the scarcity of copper coin is found inconvenient, a similar issue of penny tokens has been made by several retailers.

At the rate at which the gold is now sent down weekly from the diggings, most of which is offered for immediate sale, it will require at least half a million of money for its purchase during the ensuing five months. How such a drain is to be met is a question which demands prompt and careful consideration.

In respect to the improving prospects of mining operations, we may mention that the proper and successful use of quicksilver begins to be better understood by the miners. Mr. Wentworth has received from Frederick's Valley, a beautiful piece of gold amalgam weighing 4 lbs.

ABSTRACT OF SALES BY AUCTION THIS DAY.

MR. D. BELL.—At his Rooms, at 11 o'clock, Scotch Twilled Shirts, Duck Trousers, Straw Hats, Drawn Silk Bonnets, Dress Caps, Fancy Trimmings.

MR. C. NEWTON. — At his Rooms, at 11 o'clock, Continuation of Sale of Hardware, Ironmongery, &c.

MR. G. A. LLOYD.—At the Commissariat Stores, at 10 o'clock, Unserviceable Stores, &c.

MR. J. G. COHEN. — At his Rooms, at 11 o'clock, Groceries.

MESSRS. MORT AND BROWN.—At their Rooms, at half-past 11 o'clock, Flour; at 12 o'clock, Sherry and Port Wines.

MR. E. SALAMON. — At his Rooms, at 11 o'clock, Stationery Books, Reel Cotton, Perfumes, Papier Maché Articles, Jewellery, Jewellers and Watchmakers' Tools and Materials, &c.

PROGRESS of the ELECTIONS

THE RETURNS.

THE following gentlemen have been elected as members of the new Legislative Council:—

District.	Member.
Argyle	C. Nicholson.
King and Georgina	J. Chisholm.
Roxburgh and Wellington	W. H. Suttor.
Stanley	J. Richardson.
Maneroo	A. Jeffreys.
Murrumbidgee	G. Macleay.
Lachlan and Lower Darling	W. Macarthur.
Liverpool Plains & Gwydir	A. Morris.
City of Sydney	J. D. Lang. John Lamb. W. C. Wentworth.
Sydney Hamlets	T. W. Smart.
Parramatta	G. Oakes.
Cumberland Boroughs	J. R. Holden.
Southern Boroughs	T. A. Murray.
Northumberland Boroughs	G. R. Nichols.
Stanley Boroughs	R. Jones.
Eastern Camden	H. Osborne.
Western Boroughs	A. T. Holroyd.
Cumberland	R. Fitzgerald. J. B. Darvall.
North-eastern Boroughs	E. Flood.
Western Camden	J. Macarthur.
Cook and Westmoreland	J. Martin
Wellington and Bligh	J. B. Bettington.
County of Bathurst	J. W. Bligh.
Durham	S. A. Donaldson C. Cowper
Northumberland	H. G. Douglass G. Bowman.

*** We have inserted the two last counties, although the returns are not perfect, feeling assured that the real position of the gentlemen named cannot be affected.

COUNTY OF DURHAM.

THE following is the result of the poll at Maitland and Paterson:—

	Donaldson.	Cowper.	Young.	Hunt.
Maitland	46	103	25	23
Paterson	120	62	73	9
	166	165	98	32

The returns from Singleton, Merton, Muswellbrook, Dungog, and Clarence Town, had not been received when the steamer left Maitland. They may perhaps alter the proportionate numbers, but the return of Mr. Donaldson and Mr. Charles Cowper may be regarded as certain.

NORTHUMBERLAND AND HUNTER.

AT the date of the steamer's departure from Maitland, the result of the poll at Maitland, Newcastle, Singleton, and Wollombi, was as follows:—

Douglass	208
Bowman	207
Egan	161

The returns from the Macquarie and Macdonald Rivers had not been received at Maitland when the steamer left, but of the return of Dr. Douglass and Mr. Bowman there can be no doubt.

COOK AND WESTMORELAND.

MR. JAMES MARTIN has been returned for these united counties, by a majority of twenty-four over Mr. Longmore. At Bathurst, where it was understood the influence of the Roman Catholic clergy was great, and had been strenuously exerted for Mr. Longmore, the latter did not poll one vote. The following is the state of the poll at its close.

	Martin.	Longmore.
Bathurst	25	0
Hartley	12	41
Wilberforce	24	8
North Richmond	23	13
Penrith	10	6
Picton	0	2
	94	70

GLOUCESTER AND MACQUARIE.

THE result of the poll at Raymond Terrace gave Captain King a majority of 5 over Mr. Simmons; the numbers being 26 for the former, and 21 for the latter. As a vessel from Port Macquarie is hourly expected, the total result will soon be ascertained.

COUNTY OF CUMBERLAND.

PURSUANT to advertisement, a number of electors assembled at noon, yesterday, in front of the hustings, Parramatta, for the purpose of hearing the official declaration by the Returning Officer of the result of Monday's poll.

The RETURNING OFFICER (Mr. Thomas Barker) opened the proceedings by stating the result of the poll to be as follows:—

Mr. Fitzgerald	306
Darvall	297
Cowper	295
Byrnes	219

He therefore declared that Robert Fitzgerald and John Bayley Darvall, Esquires, had been duly elected to serve as members for the county in the Legislative Council.

Mr. FITZGERALD, who was received with loud cheers, declared that from the time he first determined upon soliciting their suffrages, he felt sure that his long connection with the electoral body of the county, and the general concurrence of his interests with theirs, would ensure his being placed a second time in the seat to which they had formerly elevated him. The result of the polling had shown that his anticipations were correct, and he now sincerely and gratefully thanked the electors by whose spontaneous and energetic assistance he had been placed in his present position without any personal exertions of his own. (Cheers.) He fully appreciated the importance of the position to which they had raised him, and he would endeavour to prove himself worthy of it, by advancing to the utmost of his power the interests of the county, and of the colony at large. (Hear, hear.) Much exertion had been made to raise in the minds of the electors an erroneous feeling of jealousy and dislike against a particular class, to create a collision of interests between the parties usually denominated squatters and the residents of the towns. This was a most dangerous course, because such jealousies as would thus be created would retard the prosperity of the colony, and the views thus urged were wholly erroneous. All the articles which they could raise for export would scarcely pay for even the snuff which was consumed here were it not for the productions created by the industry and enterprise of the class alluded to - their wool, tallow, and hides. (Hear, hear.) A collision of these interests would be rediculous in the extreme, and those were not truly their friends who would seek to bring this collision about. He was himself largely connected with the interests thus decried, and this connexion had given him more money to spend among the people of the towns than any other branch of industry in which he had been engaged. (Hear, hear.) He congratulated them upon the proceedings of Monday last, and above all, he thanked them for having returned as his colleague a gentleman with whom he should be proud to associate. A gentleman of unimpeachable integrity, and possessing abilities of the highest order. With this gentleman's advocacy, and with his (Mr. F.'s) practical experience, the interests of the county would, he trusted, be faithfully represented. (Cheers.)

Mr. DARVALL had felt less difficulty in addressing them on the day of nomination, when the contest was still undecided, than he now felt in thanking them for the honour which they had conferred upon him. He could assure the constituency that his most earnest efforts should not be spared in order to prove himself worthy of it. (Cheers.) To those gentlemen who had brought him forward, and had supported him throughout at great inconvenience, and even expense to themselves, he could only say that the kindness should be ever remembered. To those who had manfully and openly opposed him he would say that he would forget their opposition. (Cheers.) But to those who could express one view and vote in an opposite direction, if any such black sheep were among the constituency he would say that he feared not their opposition. (Cheers.) The task of representing the county, which he had sought, and which they had conferred upon him was no easy one. The country was on the eve of great and important changes, during which their interests must be most carefully watched over. They must not imagine that because gold had been discovered in their mountains they had by means of this discovery advanced one step nearer to true power, political freedom, and prosperity. All these steps would have to be taken by the means of their Legislature. It was not because wealth might pass into a few hands that the people in the aggregate would be necessarily happy. (Hear, hear.) Happiness and prosperity must be brought to every man's door; justice must be impartially administered to all men; and their claims upon the Home Government must be conceded. (Hear, hear.) Instead of the gold discovery having made them at once richer and happier, it had made them poorer and less happy. Citizens who left their regular employment to engage in this gambling speculation of gold-digging, in the hope of acquiring suden wealth, seldom earned so much money as they would obtain by working on in the ordinary way. If they had the population of the gold diggings there, the diggers would readily concede to them that they had spent more wealth in this speculation than they had ever raised from the earth in the shape of gold. (Hear, hear.) If therefore these men had remained in their regular employment they would have benefitted themselves more, while at the same time, they would have forwarded the interests of their employers and others. (Hear, hear.) It was not his intention to dwell upon the various topics which had arisen during the late election, but there was one matter upon which he said the electors had a right to complain of. He had the highest regard for the press, and would aid it to the utmost in the exercise of those enormous powers which it wielded, but when the press descended to misrepresentation, it betrayed the people and degraded its own position. He would ask them whether they had not seen the misrepresentation in the account given by a daily paper of the proceedings at the hustings the other day, representing that he when seeking their suffrages had refused to answer the questions put to him. (Hear, hear.) He could not endure this imputation, and he would ask them whether he did not answer categorically all the questions which were put to him? (Hear, hear.) He would ask, then, whether he had shrunk from any inquiry, of whatever nature. (No, no.) There was one other point to which he would allude. He was happy to think that those who conceived that the fact of his having proposed a candidate for the representation of Sydney would operate against him were mistaken. There was, he was glad to see, no disposition to restrain the candidate for the representation of one constituency from the exercise of his rights of citizenship in another. (Hear, hear.) He was glad that the electors had thus given the lie to those who asserted that the colony was divided into two religious parties (Hear, hear.) Like himself, the electors of the county were the friends of religious freedom, in the strict sense of the word. (Hear, hear.) They should doubt and mistrust those who would seek to disseminate among them feelings of religious rancour. (Cheers.) Religious freedom was not a boon, but an inherent right possessed by men of all classes and creeds, and he was happy to think that the firebrand of sectarian discord which had been cast among them had been extinguished. (Cheers.) The election had been somewhat deranged by an attempt to bring in a gentleman who had been rejected by the electors of Sydney, and who had been proposed in Durham as well as in the county of Cumberland. He admitted the great ability of that gentleman, but it did not savour a little of dictation that his friends should thus put him forward to two or three constituencies at once. He hoped that if any feeling had arisen during the election they would not accuse him of having had any share in its creation, and that it would now pass wholly away. The object of all was doubtless to return the best man. In the return of Mr. Fitzgerald he was bound to believe that they had selected the best man, and as to his own return he could only hope that his future conduct would be such as to justify the selection they had made. (Cheers.)

Mr. BYRNES, who was well received, after a few opening remarks, stated: That when he first entered the field he was the only candidate. Mr. Darvall followed, and then his old friend, Mr. Fitzgerald. He could not be considered as the opponent of the latter, whose colleague he had been; but in effect the constituency had the three candidates before them in order that they might select the two best. The result had been that they preferred Mr. Darvall to him (Mr. B.); and he was perfectly satisfied. The fact could not be concealed, that with the high abilities which Mr. Darvall possessed, he was calculated to do the country much service, and to occupy a most distinguished position as a legislator, if he would but devote to his senatorial duties a sufficient portion of his time. (Hear, hear.) His own position, supported as he had been by so large a portion of the constituency, was a proud one, notwithstanding the number of influences which had been used against him. Among the many gentlemen who had petitioned for a grant of £100 for a Queen's plate, some had supported him, because they gave him credit for an honest vote in his opposition to it. But others had been earnest in their opposition, especially in the neighbourhood of Sydney. He considered this vote as he always had done, an outrageous robbery from the funds of New South Wales. (Hear, hear.) When a claim was made for the repair of the roads they were told that those who used the roads should pay for their repair. In the same manner, those who indulged in horse-racing might with still greater justice be asked to subscribe to the Queen's Plate. (Hear, hear.) He had himself pointed out, that if those who signed the petitition had but subscribed two shillings each, the amount would have been raised without difficulty. He trusted, therefore, that the robbery would not be again committed. (Hear, hear.) He had been opposed by the organ of the Roman Catholic body on account of two votes of his in connection with the school appropriations. Many, however, of this persuasion about Parramatta, who knew him, had from their knowledge voted for him, notwithstanding the influence which had been used to induce a contrary decision. Others had acted differently; but what he complained of was, that schoolmasters, who were paid from the public money, and were in fact servants of the Crown, should be suffered to turn their scholars adrift for the day, in order that they might attend the polling booths, and watch narrowly the free and independent electors who came there to vote. This had been done in the neighbourhood of Windsor. (Hear, hear.) Mr. Cowper was worthy of being returned by any constituency in the colony, for no other member of the Legislature had ever worked so hard or done so much for the country as that gentleman had done. (Cheers.) He had been a perfect slave to his duties as a representative, and it was to be hoped that he would even yet be returned by some other county. (Hear, hear.) At the same time, the nomination of this gentleman had cut strongly against him, for if this had not taken place, there could be no doubt that he would have had, instead of Mr. Darvall, to address them as their member. A seat in Council, however, entailed very arduous labour, for no man in the position of a representative ought to leave at any time that business was going on. He should take his seat when the Speaker entered, and should remain until the business of the evening closed. (Cheers.) If the democratic party was, as had been said, strong, the members, by attending to their duties, would be able to keep it in its place. He again thanked them for the support which they had afforded him, and for having at the same time given him leisure to attend to his business. (Cheers.)

Three cheers were then given to the Returning Officer, and the latter having returned thanks, the meeting separated.

About one hundred persons were present, and the utmost harmony and good order was preserved.

The following is the result of the poll, in detail:—

	Fitzgerald.	Darvall.	Cowper.	Byrnes.
Liverpool	20	10	12	11
St. Leonard's	5	10	8	5
Penrith	48	34	17	38
Campbelltown	22	29	47	9
Parramatta	52	73	31	104
Windsor	51	18	19	19
Sydney	108	123	161	58
	306	297	295	219

BATHURST.

DECLARATION OF THE POLL.

THE final state of the poll was officially declared at the hustings on Monday at 12 o'clock, by the returning officer, Captain Sutherland. Both candidates, attended by a few of their political friends, attended on the occasion, and some 40 or 50 people had assembled in front of the hustings to witness the proceedings. Everything passed off very tamely until towards the termination of the business, when the excitement for a time became very intense.

Captain SUTHERLAND prefaced the business of the day by a few appropriate observations. He thanked the people for their peaceable and orderly demeanour during the election, and concluded by giving a statement of the number of votes polled by each candidate. Mr. Bligh, he said, had polled 75, and Mr. Lord 53. Mr. Bligh was, therefore, the successful candidate, and was declared to be the member for the county of Bathurst.

Mr. BLIGH said that he felt exceedingly grateful to his supporters for the kindness and energy they had displayed in affording him their political influence. Many of those who had promised their support had refrained from voting under the impression that there would be no opposition, and others upon whose votes he could have calculated with safety had started for the diggings. Had Mr. Lord's intention been known at an earlier stage, he felt satisfied that his victory would have been won by a much larger majority, but he was perfectly satisfied with the result. Now that the election was closed, he hoped that there would be an end of all ill-feeling and animosity. He frankly declared that he entertained none, and should be glad to learn that it was dispelled from the breasts of all. On the day of nomination his opponent had chosen to render himself very personal and abusive; but he (Mr. Bligh) was not disposed to follow in his wake, as he did not consider the example worth copying. Before concluding, he felt compelled to compliment the Bathurst constituencies on their peaceable and orderly demeanour. Their conduct proved satisfactorily that they were well worthy of the political power which the £10 franchise had placed in their hands, and it was highly gratifying to discover that the experiment had turned out so favourably. Again thanking them for the honour they had conferred upon him, he trusted they would have occasion to approve of their choice; and that he would, at some future time, come before them as a tried man, and be found in every way worthy of their support.

Mr. LORD came forward, and observed that he had a pleasing duty to perform, and thanked the electors for the warm support which had been so promptly and cordially tendered to him. The defeat sustained by him he had anticipated, but it was not a dishonourable one. Impelled by a strong sense of duty, he had come forward to protest against the return of so unfit a person as Mr. Bligh to represent so important a constituency, and he regarded his election as a disgrace to the district. If not very much mistaken, the people of Bathurst would have occasion to repent the steps they had taken in less than two years. There had been much reason, he said, to complain of the conduct of Mr. Serjeant as polling clerk, who, he observed, had contrived to wriggle himself into the appointment in opposition to the express wish of Government, that wherever there was a clerk of petty sessions it was desirable that he should officiate as poll clerk at elections. Although not given in the shape of a command, it was expressed as a wish, and a wish from regal or vice-regal authority was generally interpretated as a command. The Returning Officer, it appeared, had placed himself under Mr. Serjeant's tutelage, and was guided by his advice, and the result was, that Mr. Serjeant had advised his own appointment. Such a proceeding he regarded as altogether extraordinary, and the more particularly so when it was known that Mr. Serjeant had been acting as Mr. Bligh's paid agent, and canvassing for him. (No, no, from Mr. Serjeant.) This district for a number of years had been governed by a clique, but with the altered prospects of the place, it was doomed to dwindle into insignificance, and would be swamped in an intermixture of healthier blood. The Market Commissioner had now become a member of Council, and he hoped he would do his duty satisfactorily.

Mr. Bligh: It would be easy to do it as satisfactorily as you.

Mr. Lord: Many persons had pledged themselves to Mr. Bligh under the impression that he (Mr. Lord) was not in the field; but he could assure him that many had expressed their regret to him personally when they learnt that he was a candidate for their suffrages.

Mr. SERJEANT could not understand why his name had been so unfairly dragged before the public. He denied most emphatically having canvassed for Mr. Bligh, and from whomever such a report emanated it was utterly false, as he had not solicited a vote from a single individual, and he defied any person to prove that he had done so. (Some person in the crowd crying out that he had solicited Bulger's support for Mr. Bligh.) Mr. Serjeant replied that it was a lie, and he defied Bulger, Dr. M'Hattie, or any one else to prove it; for whoever made such statements, they were one and all liars, and he was prepared to meet them in any way they liked. (Much confusion, the Returning Officer greatly excited.)

Dr. M'HATTIE here mounted the hustings in great haste, and proceeded to address the crowd. It was not, he said, his intention to appear before them; but hearing his name used in the manner it had been, he could not refrain from saying a few words in self-defence. He did not accuse Mr. Serjeant personally of improper conduct, but he did believe that, connected as he was believed to be with Mr. Bligh, his acting as poll clerk afforded grounds of suspicion. When he called at the polling booth on Friday morning at fifteen minutes past nine o'clock there was no Returning Officer present (Captain Sutherland looking very indignant); and when he asked Mr. Serjeant to whom he should tender his vote, he replied that he had been appointed poll clerk by the returning officer, and was ready to receive it, and would give it to the returning officer when he came. Subsequently a vote was objected to because it was averred that a name was incorrect, although according to a certified copy of the Electoral List furnished by Mr. Serjeant, and it was accepted with the objection endorsed on the voting paper, which was afterwards put away without having been inspected by the returning officer, who, it was quite apparent, did not understand his duty.

Captain SUTHERLAND, bristling up. What, sir? M'Hattie you talk too fast.

Mr. LORD considered the refusal of the name on the certified copy a hare faced transaction—a one-sided piece of business. It was highly indecorous, unfair, and he would ask if it was just to the public.

Dr. M'HATTIE: It was done because it suited the views of the party for whom Mr. Serjeant was acting.

Mr. MURRAY believed it quite competent to the returning officer to appoint a deputy, notwithstanding the Governor's suggestion.

Dr. M'HATTIE: Although not wanting in courage, he would not give or accept a challenge without sufficient cause. Mr. Serjeant had taken care to tell the police, the magistrates, and the public of his fighting intentions, so that it might be expected that ——

Mr. SERJEANT wished to ——

Mr. LORD protested against ——

Captain SUTHERLAND, amidst great confusion, declared the meeting dissolved, and the people forthwith separated.

Thus ended this spirited affair.

ASSAULT. — Patrick Scott, of Liverpool-street, timber dealer, was yesterday convicted of assaulting his daughter, about 17 years of age, by throwing a stone at her, inflicting a wound on her face, and was fined 40s. and costs. Complainant deposed that on the 20th instant her mother was sweeping the yard, when defendant, calling her by an opprobrious name, told her to go in; her mother did not go in but continued her operation of sweeping, when the defendant took up a piece of coke and threw at her; complainant requested he would not treat her mother in that way, to which defendant replied by throwing at her a stone, thereby inflicting a wound on her face, the mark of which would never be obliterated. Other instances of assault on herself, her mother, and a younger sister, were stated by complainant, which however were irrelevant to the matter before the Court.—The same defendant was afterwards charged by his wife with having assaulted her, but as she did not wish to press the charge on condition he would promise not to repeat it, the charge was dismissed.

CORONER'S INQUEST.—Yesterday, an inquest was held by the Coroner, at the Cottage of Content, Pitt-street, on view of the body of William Ashton, steward of the brig Thomas and Henry, whose death took place under the following singular circumstances:—Captain Bennett stated, that the brig Thomas and Henry being about to be smoked on Wednesday evening, for the purpose of killing the rats, the deceased, who was steward, volunteered his services to remain and watch the vessel during the night, but was most particularly cautioned not to attempt to go below. He was told merely to lift a corner of the tarpauling over the companion hatchway occasionally, to see if the charcoal continued ignited, and that all was safe. He was thus left in charge, but was afterwards seen in Clarence-street about 11 o'clock by Mr. Nevin, the second officer, to whom he said he was going on board. He was intoxicated, and Mr. Nevin again cautioning him not to open the hatchway, he assured him that he knew what he was about, and that it was all right. He said he was only going to see that the fires were burning, and that he was coming on shore again. In place of this, the unfortunate man went on board, and, opening the companion, went to his berth. Upon the chief officer, Mr. W. Watts, going on board yesterday morning about half-past six o'clock, he found the companion door open, and, going below, found the deceased lying dead in his berth. Paper had been pasted over the joints of the door to keep the smoke in, but this had been torn away by the deceased. Dr. Tierney stated, that he had viewed the body of the deceased upon which there were no marks of violence. From the evidence of the officers, and the appearance of the body, he was of opinion that death had been caused by impeded respiration, the effect of the burning charcoal. The Jury returned a verdict of accidental suffocation. The deceased was about 25 years of age; and Captain Bennett stated, that during four years that he had served under him, he never saw him intoxicated above once in twelve months. He was usually an abstemious man.

THE SEARCH FOR GOLD.—We are happy to announce that another claim for the Maitland Gold Reward has been sent down, with specimens, full particulars of which will be made known at the committee meeting called for this evening, at the Rose Inn. Meanwhile we may briefly state that the locality named is the M'Donald River, New England, near the crossing of the Armidale road, and the Moonbi Creek and Cockburn River, gold in small scales having been, it is stated, found in surface trials with a pan for a space of several miles. The specimens have been shown to judges, and are undoubtedly pure gold. The distance of this field from Maitland by the dray road usually travelled via Tamworth is about 190 to 200 miles, we believe, but probably a nearer route can be pointed out. The M'Donald River flows into the Namoi, and is generally spoken of as its head stream.—From Barraba we have no further news direct, but Messrs. D. Cohen and Co. have obliged us with extracts from two letters received by them on Monday morning, one of which, dated Barraba, 16th September, states that the writer has been informed that Mr. Commissioner Bligh, who has been examining the locality, with three men, picked up a piece of gold weighing an ounce. The other letter, dated Cobadah, September 16th, states that Mr. Hall and several other parties had been digging for the last six days, but without success, and the writer adds that there was no permanent water about the place except at his own house, three miles from where Mr. Hall was digging.—*Wednesday's Maitland Mercury.*

ACCIDENT TO MR. A. W. YOUNG. — Mr. Young, one of the candidates for Durham, had a very narrow escape from drowning on the afterooon of Friday last, some time after the nomination. He purposed to proceed to the Upper William with Mr. T. Holmes, and Mr. Holmes's horses being on the other side of the Paterson, it was necessary to cross that river. Mr. Young attempted to cross first, in a small boat, rowed by an old man, but an awkward movement upset the boat in the middle of the river, and Mr. Young and the old man, neither being able to swim, sank to the bottom. Mr. Young rose again, and Mr. Holmes, who had instantly plunged in, got hold of him, and after some trouble brought him safe to land. Mr. Holmes then plunged in again, and dived till he brought up the old man, whose life was also happily preserved.—*Wednesday's Maitland Mercury.*

DEATH BY DROWNING.—On Sunday an inquest was held before Mr. Parker, at the Cross Keys Inn, West Maitland, on the body of Jane Bousher. It appeared from the evidence that Mrs. Bousher was a young woman, and had not been married many months; she was addicted to drinking, and when much in liquor appeared low spirited, and occasionally had fits; on the night of Friday last she drunk several glasses of ale, and slept in her clothes that night; the next morning her husband went to work as usual, leaving his wife still on the sofa. During that morning Mrs. Bousher appeared low-spirited, and remarked to her landlady, Elizabeth Stevens, that she need not be surprised to hear of her being dead or drowned some day. Mrs. Stevens remonstrated with her for talking this way, and in further conversation Mrs. Bousher told her that her heart was heavy about a child she had left in Sydney, at a boarding-school; Mrs. Stevens, however, thought she had no real intention to commit suicide, and as Mrs. Bousher got calm she pursued her ordinary avocations, and Mrs. Bousher passed her, and went into the orchard towards the privy, which is placed on the banks of Wallis's Creek. Some short time after, when dinner was ready, Mr. Stevens went into the orchard and called Mrs. Bousher, but could see nothing of her; she then for the first time got alarmed on remembering the words Mrs. B. had uttered, and alarmed the neighbours; something white was seen floating near the middle of the creek, and a boat being got it was found to be the body of the unfortunate woman, buoyed up by her clothes. In a few minutes after the body was got to the bank Dr. Scott was in attendance, and tried every means to restore animation, but in vain; there was no marks of violence on the body, or apparent disturbance of her clothes. The Jury returned a verdict that the deceased drowned herself, while labouring under temporary insanity.—*Wednesday's Maitland Mercury.*

THIRTY POUNDS REWARD, OR A CONDITIONAL PARDON.—It having been represented to the Government, that between the 14th and 31st ultimo, the three horses hereunder described were stolen from the Surveying Party of Mr. Surveyor White, on the Peel River; His Excellency the Governor-General has directed it to be notified, that a reward of twenty pounds will be paid to any person who may within six months give such information as shall lead to their recovery, and the apprehension and conviction of the guilty parties; or if the person giving such information be a prisoner of the Crown, application will be made to Her Majesty for the allowance to him of a conditional pardon. Description of the horses:—A saddle horse, colour, brownish black; square tail, large head, marks of sore withers; brand on the near shoulder J.F. with J.D. over, on the off shoulder B, aged eight years. A draft or saddle horse, colour, bay, small star on the forehead, switch tail, white round the hind hoofs, branded on the near shoulder W.B., aged eight years. A draft or saddle horse, colour, bright bay, small star on the forehead, black points, switch tail, branded on the near shoulder M.G. in large letters, aged five years.

MINING INTELLIGENCE.

OPHIR.

SEPTEMBER 22.—A press of business has prevented my addressing you at any great length for some time, but I shall now endeavour to make amends for my previous brevity.

Ophir once more begins to bid fair for being, as formerly, a place of considerable business and bustle, new comers as well as old diggers dropping in every day from all quarters, the news that our creeks, lately so crowded, being now in working order, having circulated far and wide; and we reasonably expect, ere another month has elapsed, that thousands will be flocking for our nugget diggings. The erection of gunyas, huts, and tents, is now an everyday occurrence, a sure proof that business of some sort is intended. Several parties have had considerable success during the past week, and scarcely an individual who makes up his mind to work on steadily meets with bad luck.

I was present, the day after I sent my last epistle, at the collection of a quantity of large and small nuggets, procured in the course of a few minutes, weighing between two or three pounds, valued at about £130, and to be divided between three individuals, the names of two I learned to be Muir and Murphy. There were four belonging to this party, but one of them preferred, it would appear, the life of Silenus, the foster father of Bacchus; and consequently forsook, on that lucky morning, the companionship of his fellow-labourers for the love of filthy rum, which deprived him not only of his reason but of his share of the pile. This party, like many others, work on the principle of no work, no pay, excepting the absence of an individual should be occasioned by a visitation of Providence in the form of sickness or by any accident. The occupants of an adjacent hole procured about the same time a similar quantity of the precious metal. I had the pleasure of having in my hand this morning, one of the largest and most beautiful specimens ever yet brought from out the bowels of the earth—it weighed upwards of forty-one ounces. This specimen, together with others of small size, and particles produced by a party, who are working systematically and on a large scale, will realise about £180, there being in all upwards of fifty-two ounces.

I have said that this party proceed with their work and labour of love in a systematic manner, and from it may expect large returns, while others are satisfied with little more labour than that which is bestowed in prospecting. I am satisfied that were the diggers to commence at the bottom of the ridges, nigh to the banks of the creeks, and work directly into the very mountains, which they mostly turn their backs upon, they would be better satisfied at the result of their week's work; and to cradle, not merely the alluvium on which is termed the bed-rock, but the soil taken from the very surface downwards. A party of Germans, I have been given to understand, who are located at the Turon, are diligently at work after that fashion, and find it to answer their expectations; and why should not others who would similarly proceed with their business? It seems to have been hitherto, and is still, the fashion for each miner to have a few feet of water frontage measured out to him, and to work towards the bed of the various creeks, and, after they have worked out these holes, begin to clear the top soil in another spot, never reflecting that deposits of the precious metal might have been made on, or immediately under the top soil of the acclivities at the rear of the forsaken allotments. What can be a greater proof of the reasonableness of any supposition, than the fact of large quantities of gold having been procured from the earth collected on the hills contiguous to the creeks, and which soil is conveyed in all manner of utensils—from a dray to a tin pot—to the cradles for washing. This system is extensively carried on at a place up the Summerhill Creek, known as the crossing place at the Wallaby Rocks. At this place, on Saturday evening last, Mr. Arkin's store was robbed of a cash box, containing a bag of gold and a few notes. This morning two mounted troopers proceeded to the spot, and brought back with them a man, suspected of the robbery, who was given in charge by Mr. Arkins. I understand the largest quantity of gold will be sent by to-morrow's escort, as compared with any previous week's collections at Ophir; there being nearly 300 ozs.. valued at nearly £1000. Considering the small number of diggers hereabouts as compared with the vast multitude of the Turon and its tributaries; we at Ophir, comparatively speaking beat them hollow. It must be borne in mind, that it takes no more, even less, trouble to pick out of the cradles Ophir nuggets, than to pick up minute Turon specks.

ORIGINAL CORRESPONDENCE.

THE VIGILANCE COMMITTEE.

To the Editors of the Sydney Morning Herald.

GENTLEMEN, In a letter which Mr. W. B. Allen has addressed to you in to-day's *Herald*, he states that he has read two letters in the *Empire*, of the 21st, signed "I. Harris" and "A Sydneyite," and that those two, read after each other, leave an impression on the mind very far from the truth, and injurious to the people of San Francisco. I have in the outset to observe that I think it would have been but fair if Mr. Allen stated which letter carries that impression on it. I indignantly deny mine does. In another part of the letter he observes, "The letter of the Sydneyite is correct in the outline; but in order for the people to judge here of the propriety of the acts mentioned, he should have given a little more information of the circumstances." If your correspondent had taken the trouble to read my letter through he would have seen that I intended to give a few notices in a day or two of occurrences in San Francisco, in which those he alludes to would not be forgotten. But the part of Mr. A.'s communication I principally quarrel with, is where he states the presumption that the Vigilance Committee should hold their assumed powers "when the authority of the civil power was strong enough to grapple with the state of affairs and put down crime is a presumption *utterly worthless.*" I must tell your correspondent first of all that I did not state the civil authority ever would be strong enough to put down crime, nor that the civil authority was ever so weak as to be unable to do so, nor have even the Vigilance Committee charged the Government so much with *want of power* as the *want of will*. The charge is, that it was too *corrupt* to put down crime. What I stated was, that the Committee would not tamely lay down their authority *even when required by the Government to do so.* I said that it had been rumoured martial law would be proclaimed in San Francisco in a few days after we left; and I appeal to any man who has been in San Francisco at the time, and observed the public mind and public Press, whether the public generally did not openly defy the whole power of the Government to put down the Committee - whether the Press did not say they were all armed with revolvers ready to meet any force the Government might send against them. I say *that* was the expression of public feeling when we left. Subsequent events have proved it to be correct; why the milk and water proclamation of the Governor, which you have so justly commented on in your issue of to-day, but that he felt he had no military force to carry martial law into effect if he had proclaimed it, and that if he made the attempt, instead of crushing the Committee, he would only make them stronger and more popular than ever. I repeat that it rested entirely with the Committee themselves whether they choose to lay down their terrible authority or not; and the press has repeatedly announced that they would never do that until they had rid the country of every person guilty, or *suspected to be guilty of crime.* Until, as your correspondent would say, they considered "the law strong enough to punish crime"—or in plain English, until they thought the Courts of Law sanguinary enough for their purpose. Recollect I offer no opinion, whether the Committee were *morally* wrong in what they did or not. Persons here are not capable of giving an unbiassed opinion, the Committee are men of the highest character in San Francisco, the leading bankers, merchants, and shopkeepers of the place, the only class opposed to them being the lawyers; they allege as their reason for taking the law into their own hands, that from the corruption and inefficiency of the officers of the law, criminals are allowed to escape, never punished, or punished so slightly as to be no warning to others. That their city has been burned over their heads by incendiaries, their stores robbed, and their persons maltreated and murdered. That the law, instead of being a protection to society, is a protection to criminals and an encourager of crime, and that society is resolved into its first elements, and therefore bound to protect itself. These are their reasons, however well or ill founded, and according as viewed by individual minds so will be the Committee approved or condemned. They have not injured *morally* any person who has been in their hands, but they have been a terror to the guilty. Captain Harris has no reason to blame the Committee, instead of being arrested by them, he was arrested by a mob, and they protected him from the violence of the mob, when by his own indiscretion he might have been severely maltreated; they honourably dismissed him when they found that he was falsely accused, and no one from Sydney, in San Francisco, ever believed that he was physically or *morally* compelled to sign one of the papers he alludes to,—to become a member of that Committee, which he so unhesitatingly condemns. On referring to the *Empire* of to-day, it will be found that Captain White, of the Cameo, bears me out in this. The Committee would not wilfully do any man an injury did he not deserve it, even though he were

A SYDNEYITE.

September 24.

To the Editors of the Sydney Morning Herald.

GENTLEMEN,—My attention has been drawn to a letter in this morning's paper, signed by an Old Miner. Now I have been about nine months in the town of San Francisco, and I must candidly confess that every soul of the Vigilance Committee without any exception are composed of the lowest blackguards in the whole of California, people that would cringe and fawn to any body for the sake of gain, persons who do not hesitate to commit perjury, who receive stolen goods from the very individuals whom they try by their own laws; I could mention the names of two of the Committee, but think it is as well not to; however, if it is necessary I will. In conclusion I would venture to recommend those parties who are about to embark for that spot (if there are any) "to pause awhile."—In the words of Captain H. I say, visit their country who may, I never will again.

Yours, truly,

HENRY WHITE.

Sydney, September 25.

APPOINTMENT OF PROTHONOTARY.

To the Editors of the Sydney Morning Herald.

GENTLEMEN,—It seems to me, without meaning to impugn your observations on the subject generally, that you have scarcely done justice to the Government in regard to the recent vacancy. According to your own explanatory notice of the new arrangements, the matter was not one of choice, but necessity. The schedule had fallen short; and some immediate reduction (if it could be effected) was unavoidable. How was it to be effected? Could the Government have forced Mr. Raymond to resign? He might, no doubt, next year not be again elected; but he has just been elected, for another twelvemonth. Can any honest man say, then, that he could by a stroke of the pen be deprived of his salary? What other course, in short, in the emergency which had arisen, could the Government have taken? Here, without usurping the province of the Legislature, or without doing injustice to a gentleman who has been, for several years in succession, annually elected to office by the magistracy, was an opportunity of effecting a permanent saving of £800 a year. Surely it was a duty—even if it had not been a mere case of necessity—at once to save it. If Mr. Raymond were so ignorant of law that he could not be expected to discharge his new duties, the public might more reasonably complain. But he has too long held a high legal office, to be unable speedily to learn them; and, while he is mastering mere details and technicalities, the profession will have the benefit of Mr. Hutchinson's services as entirely as they have now uninterrupted by references, or attendance in Court, or the general suspension of the office, which will, of course, devolve more particularly on its chief. That Mr. Raymond cannot be so well qualified as a practising attorney would have been, and that an attorney ought to have been selected,—as I am assured would have been the case if the question had been one of selection—I entirely agree. And, had the vacancy occurred next year instead of this, when the Government would have had time to propose in Council the junction of offices now effected, I dare say that some better arrangement might, by legislative assistance, have been accomplished.

I am, &c.,

S. M. N.

To the Editors of the Sydney Morning Herald.

GENTLEMEN,—Referring to what is reported in your columns to have been said at the nomination for the County of Durham, viz., "That the Surveyor General's department costs £40,000 per annum," I trust you will allow me, through the same medium, to contradict that statement, because the fact being, that my department for the year 1850, cost only £19,000, out of the £40,000, or rather £46,000, the inference which must be drawn by the public is, that the labours performed under my directions for the sum of £19,000 cost £46,000, and consequently that I have wasted £27,000* per annum of the public means.

After a service of twenty-five years in the colony, any charge of unprofitable expenditure of the public funds, might be considered illiberal and ungenerous; but I leave the public to stamp its own reprobation upon a monstrous charge so falsely or so carelessly made, to the prejudice of one whose colonial services have won for him a fame which it is hoped may not be blighted by the stereotyped joke about "bread and sack," which might have passed unheeded, were it not that the so frequent repetition of the charge, absurd as it is, might lead the uninformed and busy part of the public, to regard it as a truth.

I remain, Gentlemen,

Your obedient servant,

T. L. MITCHELL.

* This 27,000*l.* is expended upon Colonel Barney's Office, Port Phillip Surveys, Commissioners, &c., &c.

The following appointments are gazetted:—R. C. Leigh, Esq., Secretary to the Government at Malta; W. L. Leon Bucquet, French Consul at Sydney; T. W. Campbell, Consul General at Van Diemen's Land, for the King of the Hawaiian Islands.

Lord Melville, Lord Dundrennan, and Dr. Torrens, the Archdeacon of Dublin, were dead.

The King of the Belgians had arrived in London on a visit to her Majesty.

The blue riband of the order of St. Patrick, vacant by the death of the Earl of Meath, has been bestowed by Lord Clarendon upon Viscount Massareene and Ferrard.

A great sensation has been created in several towns of the United States, in consequence of many ladies resolving upon a complete revolution in dress. East, west, north, and south, we hear of young ladies wearing trousers (not metaphorically, but really) with a very short shirt or tunic, as in Persia and the East. Several ladies thus attired have appeared in Chestnut-street, in New York; and a letter written to the *Tribune*, from Lowell, says,—"Four young ladies have been perambulating our streets all the morning, dressed in light blue delaine shirts, long enough to reach below the knee, with full Turkish trousers of the same, and neat blue gaiters to match. They certainly made a very neat and pretty appearance, and behaved themselves in a very becoming and modest manner. The change in the ladies' costume is much approved of by everybody here, and bids fair to become the rage, particularly among the factory girls, of whom we have some twelve or fifteen thousand."

Lord John Manners has accepted the Rev. Dr. M'Neile's challenge to meet the rev. canon in Liverpool, for explanation on the Papal Question.

National Library of Australia

http://nla.gov.au/nla.news-page1509238

THE NEW PATENT RETIRING CARRIAGE.—The curiosity of the public was greatly excited on Monday by the appearance in Cheapside and other parts of the metropolis of a novel description of perambulating vehicle denominated a patent retiring carriage. The form and dimensions of this ingenious contrivance resemble generally those of an omnibus with very low wheels. The interior is arranged in close compartments, which are fitted up for urinals. The exterior of the vehicle presents surfaces of highly polished panellings of cerulean blue, together with other showy fittings. Over the several doors the following considerate inscriptions meet the eye: "1. Per Signori." "2. Pour les Messieurs." "3. Fur Herren."

MISERY OF EMIGRANTS IN NEW YORK.—On Monday, 34 emigrants that had arrived that day in the ship Epaminondas, from Liverpool, were found wandering in the streets without food, or the means of getting it. They were taken to the Fourth ward station-house, and there lodged for the night, and food supplied to them. The children seized the offered bread in the wildest manner, and devoured it more like hungry wolves than human beings. There were upwards of 80, in all, removed into the Fourth ward station-house. The Commissioners of Emigration have undertaken to protect these poor people, receiving the commutation money, as they do, and bonds that the emigrants shall not be a burden on the city, yet they permit them to roam about in a starving condition. This is too bad.—*New York Herald, April.*

PAPAL DEFIANCE OF ENGLAND.—The abandonment of the Walpole amendment to the Ecclesiastical Titles Bill, and the hope expressed by the honorable member for Midhurst that neither the Government nor the country would find another brief come in the kingdom next autumn, appear to excite the risibility of the Irish organ of the Papal power, the *Tablet* of this day following up a laugh at the "credulity" of Mr. Walpole with a defiance to this effect:—"Poor Mr. Walpole! Fond Mr. Walpole! Credulous Mr. Walpole! 'Another brief,' and 'next autumn.' Why, before the summer is well over before Parliament is up—we think we can answer for half a dozen at least. First, there is the Bishopric of Killaloe. Dr. Vaughan is nominated bishop; and the bulls have, it is announced, already arrived for his consecration. Dr. Vaughan will be consecrated; he will take a territorial title; four or five indictable offences will be committed, and all with the most frank, cheerful, and inveterate disregard of the contemptible enactment which they are pretending to pass at St. Stephen's. We think we can vouch for half a dozen, if not half a thousand, misdemeanours in and about Killaloe. Then come the English bishoprics. Letters have just arrived from Rome, saying that four of the new sees are already filled up one of the four being Southwark. About the fifth there is some doubt. But, taking the four, every one of the four will require a separate bull to be received, a bishop elect to receive it, a person to deliver it, three bishops to commit misdemeanours by consecrating the new bishop, sundry priests, acolytes, and attendants to take part in the ceremony. It is with beating hearts and wet cheeks that we set down 200 misdemeanours as the minimum for every one of the new bishoprics. Here alone we have actually on hand five bulls as the supply for the next two months alone, and these five bulls will carry in their tails at least a thousand indictable offences! All the while Parliament will be sitting and spending its time in notable attempts to vindicate the majesty of British law—or rather in notable pretences to appear to do the same. And all the while the Catholics of these islands, lay and clerical, are laughing at the Legislature, breaking the law, and making fools of the whole Imperial Parliament, with Speaker and Lord Chancellor to boot. What a repulse given to territorial aggression! What a salvo to the dignity of the British lion! What a fool, by the way and in conclusion, the said British lion must be."

HIS EXCELLENCY SIR JOHN A. B. MURRAY M'GREGOR, Bart., Governor of the Virgin Islands, died at Government House, Tortola, on the 11th June, having held the administration of affairs only a few weeks. Sir John M'Gregor was the eldest son of Sir G. M'Gregor, formerly Governor-General of the British Windward and Leeward Islands.

The *London Gazette*, of 20th June, announces that the Queen had been graciously pleased to approve of Mr. Jonathan Bins Were, as the Consul at Port Phillip for his Majesty the King of Sweden and Norway.

HIDES.—The following particulars respecting hides, &c., are from the monthly circular of Messrs. Dyster, Nalder, and Co.:—East India Hides: The sales of East India Hides have been 83,000, out of 138,760 brought forward. The demand for consumption has been limited, and chiefly directed towards the best qualities. Common and low parcels have sold readily for export. Prices show very little variation from last month's rates. The arrivals have been large, and the stock greatly increased; and it appears probable that the present rates will hardly be maintained. 215 tanned East India hides sold from 6d. to 8d. per lb. For East India goat skins there is very little inquiry. 3810 were offered at public sale, but without finding any buyers. 9187 tanned Madras skins, at the same sale, were chiefly bought in; 1500 of inferior quality sold at 4s. 6d. to 7s. 6d. per dozen. 5165 East India kid skins sold at 3s. 9d. to 4s. per dozen. Batavia: 4320 buffalo have been brought to sale, of which 1190 sold at 4½d. to 5½d. per lb. for best, and 3¼d. to 3¾d. per lb. for seconds and light. Singapore buffalo have met a fair inquiry 5500 have been sold at 3¾d. to 4d. per lb. for best, and 1¾d. to 2¾d. per lb. for seconds and inferior. Horns: 27 tons buffalo horns sold, Calcutta at 20s. to 24s. 6d. per cwt.; Singapore, 35s. to 39s. per cwt.; Madras, 18s. 6d. to 19s. 6d. per cwt. 30 tons deer horns, Ceylon at 36s. to 38s. per cwt.; Calcutta, 24s. 6d. to 34s. 6d. per cwt.; Bombay, 27s. to 38s. 6d. per cwt.—*Morning Chronicle, June 10.*

GOVERNMENT GAZETTE.

TUESDAY, SEPTEMBER 23, 1851.

IMPOUNDINGS.

GULLIGAL.—From Melvil Plains, trespass 6d. per head September 22: Red and white ox, like GW off rump, H near neck, off ear slit. White heifer, near rump not legible, both ears cut. Red and white steer, no brand visible, near ear slit. Brindle cow, like CO near rump. Black and white ox, GH near rump. Brindle and white cow, S with | through it off shoulder. Red cow, like MD under JS near rump. Red and white ox, ROD off ribs. Strawberry ox ⌐E conjoined off ribs. Red ox, like C over R off rump 4 ribs, R near rump. Red and white heifer, off ribs and rump illegible, near ear marked. Red and white working ox, like SC over SC near rump. Red cow, no brand visible, both ears cut. Brown and white cow, off rump illegible, near ear cut. Red and white steer, off rump illegible, off ear slit. Red and white cow, ace of clubs over rump. If not released in 21 days they will be sold. A. Johnstone. 14s.

RAYMOND TERRACE.—By H. Clayton, from Egleton, William River, September 19: Red steer, with white belly, no brand. Red steer, no brand. Yellow male calf, no brand; damages 2s 6d each. If not released before 12th October they will be sold. J. GILBERT. 8s. 6.

QUEANBEYAN.—September 8: Bay colt, black points, about sixteen hands high, like IC near shoulder, D or O off shoulder. Chesnut mare, about three years old, small star in forehead, crippled in the feet, no visible brand. Chesnut mare, rising three years old, about thirteen hands high, illegible brand near shoulder. Bay colt, black mane and tail small star in forehead, near fore foot white, about three years old, illegible brand near shoulder. Bay colt, black mane, and tail, white face, two fore feet white, like B off shoulder, like B with JH conjoined near shoulder. Bay filly, rising three years old, black mane and tail, star in forehead, like H near shoulder. Brown horse foal, star in forehead, one year old, no visible brand. Brown filly, two years old, star in forehead, illegible brand near shoulder. Bay horse foal, one year old, no visible brand. Bay filly, brown muzzle, illegible brand off shoulder. Bright bay filly, two years old, white face, no visible brand. Black horse foal, rising one year old, no brand visible. Grey mare, black mane and tail, JM near shoulder. Bay colt, rising one year old, star in forehead black mane and tail, no visible brand. If the above horses are not claimed, they will be sold on the 2nd October. W. Lee. 15s.

BATHURST.—September 21: Black bullock, like WD near ribs. Red and white bullock, W near rump; damages 6d. each. Brindle and white small horn bullock, like I or JB off rump. Mouse colour bullock, illegible brand near ribs. Brown bullock, like TM rump. Yellow and white bullock, PL off rump. Red and white bullock, illegible brand off rump, off ear slit. Brown cow and calf, no visible brand. Red heifer, apparently HH off thigh and ribs. Red steer, apparently HH off thigh and ribs. Strawberry heifer, no visible brand; damages 1s. each. Iron grey mare, JH near shoulder, switch tail, 5 years old, 14½ hands high; damages 6d. Chesnut mare, like IP near side under saddle, W off shoulder, star, near hind foot white, aged 15 hands high; damages 1s. 6d. Chesnut horse, W off shoulder, switch tail, snip on nose, 5 years old, 14½ hands high; damages 1s. 6d. Bay mare and foal, JL on mare off shoulder JA the near shoulder, aged, 15 hands high; damages 3s. Bay filly, JA near shoulder and neck, 2 years old, 14 hands high; damages 1s. 6d. Black pony mare, VR conjoined off thigh, TP conjoined near rump, illegible brand near side under saddle, aged, 13 hands high. Brown horse, like GH, cross near shoulder, switch tail, 5 years old, 14 and a half hands high. Bay mare and foal 55P or B off shoulder, black horse foal, no brand, 5 years old, 14 hands high. Bay colt, JH near shoulder, 2 years old, 13 hands high. Iron grey colt, no visible brand, 2 years old, 14½ hands high. Bay horse, apparently G off shoulder, switch tail, aged, 14½ hands high; damages 1s each. If not released on or before the 15th October, they will be sold. R. Teo. 18s.

PICTON.—From Mr. Gray's Paddock, Myrtle Creek, September 21: Bay horse, black points, white off fetlock, very lean, lame in both legs, branded on near shoulder AD conjoined, and a brand on near hip not legible; damages 5s. Brown cow, white spots, branded A on off rump and thigh, and seemingly IR on rump milking side. Black and white cow, branded like m on off rump. Unless claimed within 24 days they will be sold. T. M. LLOYD. 10s. 3d.

BONG BONG.—From Mr. Larkins, September 12: Dark bay entire horse with black points, branded WL on off shoulder, and a figure like 3 on near shoulder, about fourteen and a half hands high; damages 5d. Red working bullock, HB on off hip, and like BY on near ribs; damages 3d. Yearling bay colt, M on near shoulder; damages 3d. If not released within 30 days from the above date they will be sold. J. FIELD. 18s.

SUNDAROO.—September 23: Yellow and white spotted bullock, piece off off ear, apparently Q near rump, like C over M off rump, with an illegible brand like FP off ribs. Red heifer, off ear slit apparently C over K off shoulder. Red heifer, slightly branded, apparently RC off rump, damages 3d. per head. Red and white spotted cow, no brand visible. Brindle and white spotted steer, P reversed and S off rump apparently the cow of the calf described above. Brindle and white cow, apparently MG near rump, like an illegible brand off ribs. Yellow and white cow, H off thigh. White female calf, unbranded, damages 3d per head, driving 6d per head. If not claimed they will be sold in twenty-four days. J. J. W. WISHART. 12s 3d.

BINDA.—From the Estate of Rowland Oakes, Esq., J.P. September 23: Dark brown mare, branded on near shoulder B and M with T under, on off shoulder TMD conjoined, two hind feet white, saddle marked, aged. Dark brown filly foal, branded JE conjoined off shoulder, four white feet, star in forehead, about nine months old. Dark brown filly, branded JE conjoined off shoulder, star in forehead, two years old. Unless the above horses are released in twenty-four days they will be sold. W. M'DONALD. 10s. 9d.

O'CONNELL PLAINS.—From the estate of W. Lawson, Esq. September 15: Yellow poley cow, branded ⌒ over JM conjoined on both hips. Spotted heifer, like ER on ribs off side. Yellow and white cow, MJ off hip. Yellow and white steer short tail, illegible. Black and white cow, RM near hip. Strawberry bull calf unbranded. Brown and white poley bullock, illegible. Brown poley heifer, PJ near shoulder. Strawberry steer, RM on hip off side. Black poley calf, MCD on ribs near side. Yellow and white heifer, RS near shoulder. Brown and white calf, RS near shoulder. Bay horse, black points, RG near shoulder. If not claimed will be sold on the 8th October. N. LAWIS. 17s.

BLACK CREEK.—By Mr. Raisbeck, September 23: Chesnut horse, strip of white down face, long tail, off hind foot white, branded on near shoulder J℃, on off shoulder like indiscribable brand. On the 18th, from Dalwood, by G. Wyndham, Esq.: Brindle and white bullock, off ear marked, like MR off rump, near rump like MR, near shoulder like MR. Chesnut horse, short switch tail, branded on near shoulder like ITH, on off shoulder C or CJ; damages on the last horse 5s., on the others 3d. per head. If not released they will be sold in 24 days. C. A. HOGGINS. 12s 6d.

SCONE.—From Cressfield, September 13: Red and white bullock MM near ribs and thigh, CC reversed near rump, GL near thigh, near ear marked, near horn broken off. Notice has been sent to supposed owner. Red and white bullock, like DAN with WN over near ribs, off ear marked; damages 1s. 6d. Strawberry heifer like PH or FH off ribs. White bullock, PW off rump, like Y under; damages 6d. From Segenhoe: Strawberry steer, S off rump, illegible brand near ribs, 2 years old. Strawberry steer, illegible brand off thigh, both ears marked, 2 years old. White cow like qr with H over off rump. Red and white heifer calf, unbranded, 10 months old; damages 6d. From the Cuen: Chesnut colt, blaze down the face like O and a blotch letter after off side of the neck, no other brand visible, 3 years old, 15 hands high; damages 1s. 6d. From Gundy: Red and white bull, 4 near ribs. White heifer, red spots, near ear marked, if branded not visible, 12 months old. Strawberry heifer, if branded not visible, 7 months old. Black and white bullock, MC on the off rump. Red and white poley cow, RL near rump, like LY near ribs, S in circle off ribs. Brindle and white poley cow, qW off rump, like qW off thigh, illegible brand near rump and ribs. Red and white heifer calf, if branded not visible, eleven months old. Red and white bull, off ear marked, unbranded. White heifer, like JR conjoined with S near shoulder and ribs, two years old. Red and white bullock, WC with H under near ribs. Red and white cow, WF off rump, like 7 off thigh, WWK off ribs. Roan bull calf, if branded not visible, eleven months old. Red and white bullock, TW with R under near ribs, like illegible brand off side of neck. Strawberry heifer, if branded not visible, three years old. From Cressfield: Brindle and white bullock, THO off ribs illegible brand off rump, hobble on one leg. Notice has been sent to supposed owner; damages 6d. From the Cuen: White bull, black spots about neck and head, P off rump 666 with 4 under near rump. Notice sent to owner; damages 5d. If not released they will be sold on the 13th October. M. COLLINS. 17s 9d.

YASS.—From the Estate of James Hume, Esq., J.P.: Chesnut gelding, small star on forehead, short switch tail, newly shod all round, HC or HG off shoulder, CJM downwards near shoulder, 5 to 6 years old, 14½ hands high; damages 3d. Also, from the estate of J. Hosking, Esq.: Grey mare, long switch tail, illegible brands under saddle near side, aged, 14½ hands high; damages 9d. Also from the estate of H. O'Brien, Esq., J.P.: Spotted steer, no brands visible, 18 months old. Red and white steer, like WH off rump, 18 months old. Yellow heifer, illegible right rump, 18 months old. Yellow steer, off ear marked, illegible near ribs, 18 months old. Strawberry bullock, WY off ribs. Yellow steer, off ear marked, illegible off rump, 18 months old. Strawberry steer, illegible near rump, like RT off rump, 18 months old. Yellow and white bullock large wide horns PL off rump. White working bullock, red ears, illegible brands ribs and rump near side, very poor, aged. Yellow sided working bullock, both horns white on back and tail, like H2 or H-2 near ribs, illegible off rump, very poor, aged. Brown sided working bullock, white on back, like BR rump, B thigh near side, —R rump and ribs near side, the first letter of each of the brands not legible, very poor, aged. Red and white spotted working bullock, illegible near side rump, illegible off rump, aged; damages 3d. each. If the above horses and cattle are not claimed by the 9th October they will be sold. W. COOK. 17s. 3d.

BIRTH.

At her residence, Clara House, Redfern, on the 25th instant, Mrs. Armstrong, of a son, her seventh child.

MARRIED.

On the 25th instant, by special license, at Christ Church, by the Rev. John Milner, Richard, eldest son of the late Henry Brooks, Esq., of Parramatta, to Jane Euphemia, youngest daughter of the late Major George Druitt, of Mount Druitt.

THE remains of the late Captain William Daly will be interred in the Roman Catholic Burial Ground, this morning, Friday.

The Funeral will leave his late residence, Surry Hills, at 9 o'clock.

No circulars will be issued. 6214

IN THE SUPREME COURT OF NEW SOUTH WALES.

Ecclesiastical Jurisdiction.

In the Will of George Phillips Foster Gregory late of Sydney Esquire Prothonotary and Registrar of the Supreme Court of New South Wales deceased

NOTICE is hereby given, that Catherine Gregory widow of the said George Phillips Foster Gregory intends to apply to the Supreme Court of New South Wales in its Ecclesiastical Jurisdiction at the expiration of fourteen days from the publication hereof that probate of the last will and testament of the said George Phillips Foster Gregory deceased may be granted to her as the executrix therein named.

Dated this twenty-fourth day of September in the year of our Lord one thousand eight hundred and fifty-one.

EDWARD SANDFORD,
Proctor for the said Executrix.
555, George-street, Sydney. 6264

NOTICE.—If George Lupton, late in my employ, does not call and take away his horse, it will be sold in one month from this date to defray expenses.

JOHN ALDRIDGE.
Piper's Flat, September 17. 6114

NOTICE.—All claims against Messrs. Jacob Inder and Co., to be forthwith sent in to them, at their counting-house, York-street.

JACOB INDER AND CO.
September 23. 6118

TO WINE GROWERS.

THE undersigned are prepared to enter into arrangements with parties desirous of obtaining Vinedressers, Wine Coopers, &c., from Germany, and would undertake to procure, engage, and have conveyed hither, skilled labourers of the above description, free of all expense to the employers.

Immediate application is requested to
KIRCHNER AND CO.,
4843 George-street North.

LOADING FOR THE TURON DIGGINGS.

A GOOD opportunity offers for any person wishing to forward stores to the Turon, by applying to G. S. CLARK, Horse and Jockey, corner of Hunter and O'Connell streets. 6305

TO CARRIERS.—Wanted, Teams for Bathurst, Goulburn, and Yass.—Apply to MORRIS CASTLE, Pitt-street North. 6304

THE advertiser, a middle-aged person, recently arrived, and who has been brought up to mercantile business, would be glad to engage himself as book-keeper. Recommendations highly satisfactory can be produced. Address R. S., care of *Herald* Office. 6288

TO DRAPERS.—Two experienced Assistants wanted. Also, a respectable youth, as an Apprentice. Apply to C. S. HAIGH and Co., 293, Pitt-street. 6263

WANTED, a stout active Youth, as Errand Boy. He must be able to read and write. Apply at the office of JOHN WALKER, Circular Quay. 6145

WANTED, a middle-aged experienced woman, as nurse, to proceed to New England. A private carriage will leave Maitland in a few days, and will convey her the whole way. Apply at Messrs. W. and F. FORD'S, Booksellers, George-street. 6244

WANTED, in a Clergyman's family, about forty miles from Sydney, a man and his wife, without incumbrance; the man to look after a horse, milk a cow, attend to a small garden, and make himself generally useful; and the wife to cook and assist in household work. They must be members of the Church of England, and produce testimonials of character. Apply to Mr. NORTHWOOD, Erskine-street, Sydney; or at Ellerslie, Camden. 5086

WANTED, by a Young Man of considerable experience in the mother country, a confidential situation in this colony, where integrity and a general knowledge of business would meet with an adequate reward. The highest references can be given. Address, Y. Z., *Herald* Office. 6260

WANTED to Borrow, on City Property, yielding a rental of £228 16s. per annum, at low rents, £1000, for which a reasonable interest will be given. Apply to LITTLE AND YEOMANS, Solicitors, 120, King-street. 6287

CEDAR.—Wanted 20,000 feet first quality Cedar. Apply to
JOHN MACNAMARA,
6278 Queen-street.

TO LET, a Commodious Store, situate in Pitt-street. Apply to SMITH, CROFT, AND Co., George-street. 1362

A CERTAIN FORTUNE to be REALISED with a moderate capital.

TO LET, those central and commodious premises, situated at the corner of Pitt and Market streets, lately occupied by Mr. Melville, but particularly adapted for an hotel, tavern, or gin palace. The premises, for that purpose, would require very little alteration. For further particulars enquire of W. G. MOORE,
5369 Labour Bazaar, Pitt-street.

TO LET, a Stone House, situated at Darlinghurst, containing six rooms, stable, coach-house, &c., and garden well stocked with fruit trees, also an abundant supply of water. Possession can be given on the 1st of October. For terms apply at the "Swan with two Necks," George-street. 6166

TO BE SOLD OR LET.—Those extensive premises lately in the occupation of the undersigned, consisting of two capacious Stores, containing seven floors, and roomy and convenient dwelling-house, with stables, coach-house, &c., attached. The premises are in excellent order, and immediate possession can be given. Apply to
GILCHRIST AND ALEXANDER,
6282 Lyons' Buildings.

SALES BY AUCTION.

Ex Phœnician—just landed.

MR. DAVID BELL will sell by auction, at his Rooms, Pitt and Market streets, THIS DAY, Friday, at 11 o'clock,

§140§—1 bale, 25 dozen, Scotch twilled shirts
§141§—1 ditto 25 ditto
§142§—1 ditto 25 ditto
§143§—1 ditto, 20 dozen, duck trousers
§144§—1 ditto, 20 ditto ditto

Terms at sale. 6009

Straw Hats,
Drawn Silk Bonnets,
Dress Caps,
Fancy Trimmings.

MR. DAVID BELL will sell by auction, at his Rooms, Pitt and Market streets, THIS DAY, Friday, September 26th, at 11 o'clock precisely,

2 Cases—
50 Dozen children's dress Luton hats
50 Ditto boys' and youths' Brazil
3 Ditto ditto pale Tuscan
3 Ditto ditto whip, improved
20 Ditto Men's ditto.

1 Case—
10 Boxes ladies' drawn silk bonnets, (assorted summer colours).

1 Case—
Registered bonnet linings
Fancy ribbon trimmings
Rosettes and ribbon ties
Satin, lute, and gauze bonnet ribbons
Blond and Brussels net, tulle
Sash ribbons.

Terms at sale. 6200

GROCERIES.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street, THIS DAY, September 27, at 11 o'clock precisely,

50 Boxes raisins
10 Boxes soap
10 Casks soda
10 Casks currants
3 Cases pipes
5 Casks vinegar.

Terms at sale. 6300

TWENTY CRATES EARTHENWARE.
To Earthenware Dealers and Others.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street, on TUESDAY next, September 30, at 11 o'clock precisely,

Twenty crates Earthenware comprising—
Dinner, tea, and breakfast services, chamber services
Breakfast cups and saucers, flowing blue and printed
Bowls, pints and half-pints
Jugs, in sets, and assorted in dozens
Pint and half-pint mugs
Pressed teapots and sugars.

Terms at sale. 6243

GLASSWARE.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street, on TUESDAY next, September 30, at 11 o'clock precisely,

Forty packages Glassware, comprising—
Cut and moulded half-pint tumblers
Ditto ditto decanters
Cut wine glasses, salts, cruets
Sample bottles, vials, ink wells
Confectioners' and covered jugs
Butters and stands.

Terms at sale. 6242

THE CARGO OF THE ARTEMISIA, FROM HONOLULU.

MR. CHARLES NEWTON has received instructions to sell by auction, at his Rooms, on TUESDAY NEXT, September 30, at 11 o'clock precisely,

The cargo of the Artemisia, without any reserve, consisting of—
3004 bags sugar, of very fine quality
8 hogsheads loaf sugar
7 ditto molasses
20 boxes patent sperm candles
20 ditto ditto Belmont ditto
100 ditto mould ditto
6 cases oilman's stores
60 cans raw oil
19 bottles turpentine
100 cheeses
10 casks herrings
30 cases bottled fruits
1 ditto Windsor soap
228 tons Newcastle coals

Terms at sale. 6312

TO BAKERS, MILLERS, AND SHIPPERS.

MR. CHARLES NEWTON will sell by auction, at his Rooms, THIS DAY, September 26, at 11 o'clock,

7 tons Launceston seconds flour
15 ditto Adelaide fine ditto
5 ditto Smart's ditto ditto

Terms at sale. 6310

CONTINUATION OF SALE, THIS DAY, 26th September, at 11 o'clock.
To Ironmongers, Gunsmiths, Upholsterers, Builders, Cabinet Makers, and Stationers.
New Goods, just landed.

MR. CHARLES NEWTON will sell by auction, at his Rooms, THIS DAY, Friday, September 26, at 11 o'clock,

97 Cases of the undermentioned goods, just landed.
Superior japanned pillar shower baths, with force-pumps, curtains, and poles to each, complete
Superior massive gilt solar head table-lamps, with richly enamelled opal pillars
Japan toilet pails
Ditto foot baths
Ditto rich assorted sugar cannisters
Ditto chamber pails
Ditto coal vases
Ditto water cans
Ditto tobacco boxes
Ditto coffee cannisters
Best blue wire dish covers
Ditto copper powder flasks
Walker's best percussion caps
Sandwich gothic japan trays
Glased japanned lanterns
Block iron teapots
Pearl inlaid tea trays, very elegant
Ditto landscape centres
Ditto portfolios
Best ground Berlin black full-sized register grates
Ditto cut Cambridge lamps
Superb registered design Belvidera pattern fenders, with standards and bright steel shields
Appleby's patent Bramah tumbler padlocks
Best twist double-barrel guns
Ditto ditto single ditto
Iron boilers, 14 to 60 gallons each
Bright elliptic carriage springs and coach axles
Best cast steel chisels
Ditto bastard files
Ditto carpenters' box wood rules
Ditto ditto brass backs and sides ditto
Ditto French glass chimneys
Ditto hand vyces and Lancashire nippers
Ditto steel scissors
Ditto British plate dessert forks
ONE CASE ASSORTED WHIPS, elegantly mounted
Three cases handsome paper hangings
One case steel pens
One ditto solar lamp cotton and boxes of wicks for Cambridge night lamps
One ditto Cambridge night lamps
Eighty kegs shingle nails, ½ to 1½
Best warranted anvils, from 2 to 3 cwt.

Terms at sale. 6309

THE ENTIRE CARGO of the AUTUMNUS, from Oporto direct.

MR. CHARLES NEWTON has received instructions from Messrs. Brown and Co., to sell by auction, at his Rooms, on TUESDAY, the 7th October, at half-past 11 o'clock precisely,

The entire cargo of the AUTUMNUS, consisting of—
40 Pipes very choice Port, marked four diamonds with three cyphers under
50 Hogsheads ditto ditto ditto, marked X on a diamond
300 Quarter-casks ditto ditto ditto
50 Hogsheads ditto ditto ditto, marked X on a triangle
300 Quarter-casks ditto ditto ditto
600 Cases ditto ditto, bottled ditto.

These wines are represented by the well-known firm, Messrs. Sandeman and Co., of London and Oporto, as being the finest they have ever sent to the colony; therefore, judging from the excellence of previous shipments, and the great satisfaction they have always given, there can be little doubt but they will be found quite equal to any double diamond in the market.

After the above, the undermentioned Sherries from Cadiz direct, also imported by Messrs Brown and Co., will be offered.

10 Hogsheads very choice gold sherry
30 Quarters ditto ditto ditto
15 Hogsheads ditto ditto pale ditto
30 Quarters ditto ditto ditto
5 Hogsheads ditto ditto brown ditto
10 Quarters ditto ditto ditto.

Terms, liberal. 6313

THE CAMEO,
Without Reserve. To Shipowners, Exporters of Stock to New Zealand, and others.

MR. CHARLES NEWTON has received instructions to sell by auction, at his Rooms, on MONDAY next, September 29, at 12 o'clock,

The fine brig CAMEO, 221 tons register, and will carry 400 tons, coppered and copper fastened, and sails remarkably fast, having made the passage from here to California in less time than any other vessel; she is well found in every requisite, and can be sent to sea at once. To a party engaged in the New Zealand Trade, she would clear herself in a couple of trips.

Also,
125 Tons Newcastle coals, now on board.

Terms at sale. 6311

ACCOUNT and MEMORANDUM BOOKS, Plain and Fancy Stationary, Juvenile Books, &c.

MR. EDWARD SALAMON will sell by auction, at his Rooms, George-street, THIS DAY, Friday, September 26, at 11 o'clock,

Account and memorandum books, assorted
Copy books, assorted
Drawing pencils, India rubber
Illustrated Queen's note and other writing paper
Extra double-crown printing paper
Metallic books, India rubber slates
A variety of fancy stationery
Superior writing fluid
Rosewood and mahogany writing desks
Juvenile story books, assorted
Ready Reckoners, Book of Anecdotes, &c.

Terms at sale. 6257

Papier Maché Articles.—Timepieces.—French Jewellery.—Silver-mounted Penholders, &c.

MR. EDWARD SALAMON will sell by auction, at his Rooms, George-street, THIS DAY, September 26, at 11 o'clock, without any reserve,

A variety of elegant papier maché articles
Alabaster and other timepieces
A selection of French jewellery, consisting of bracelets, brooches, chains, hair pins, &c.
Silver penholders and gold pens
Silver-mounted penholders
Silver thimbles, &c.

Terms at sale. 6254

EXTENSIVE ASSORTMENT OF JEWELLERS AND WATCHMAKER'S TOOLS AND MATERIALS.

MR. EDWARD SALAMON will sell by auction, at his Rooms, George-street, THIS DAY, September 26, at eleven o'clock,

The following excellent assortment of watchmakers and jeweller's tools and materials—

Best French lunette, common and thick watch glasses, watch dials, keys, watch brushes, fusee chains, gold and steel hands, of various descriptions, chain hooks, hair springs, watch screws, ruby pins, polished stop works, jewel end pieces, pinions, centre pins, screw plates, screw verils, brooches, pendants and bows, earring caps, plated catches and joints, verges, steel time-piece hands, fly-up-strings, steel horizontal wheels, squares, hand vyces, drilling turns, depthening tools, steel turns, pivot turns, watch and music box winders, eye glasses, clock and watch screw drivers, pushpins, sliding tongs, hand, handmakers and pin sliding tongs, tweezers, watch arbors, balance arbors, rivetting stakes, nippers, plyers, chambfering tools, main springs, guages, Archimedian drills, callipers, adjusting rods, stocks and dills, main springs, balance wheel cutting engine, clock winders, gold weights, cylinders, assorted files, and various other articles.

Terms at sale. 6253

On account and risk of former purchaser.
Two Cases REEL COTTON. Two Dozen Boxes PERFUMES.

MR. EDWARD SALAMON will sell by auction, at his Rooms, George-street, THIS DAY, Friday, September 26, at 11 o'clock,

Two cases, containing 152 gross white reel cotton, assorted
Two dozen boxes perfumes

Terms, cash. 6256

Five fine Gold elegant new Pattern Guard Chains.

MR. EDWARD SALAMON will sell by auction, at his Rooms, George-street, THIS DAY, September 26th, at 11 o'clock, without any reserve,

Five elegant, fine gold, new pattern, guard chains.

Terms Cash. 6252

HORSES, CLEVELAND ENTIRE, DRAY, &c.

MR. STEWART will sell by auction, at the Horse Bazaar, 208, Pitt-street, TO-MORROW, at 11 o'clock,

Goldfinder, a splendid coaching entire
Ten fresh young horses, expected from the Hunter to-night
A very handsome saddle horse, by Cecil
Two good journey horses
A dray, dray horse, and harness
Two gigs, a phaeton, a gig harness, and six dozen gig whips. 6271

MONDAY, 29th instant.
TO DEALERS IN GLASSWARE.

15 Packages, containing an excellent assortment of Tumblers, Goblets, Caraffes, &c., just arrived ex Wilhelmina, from Antwerp.

PURKIS AND LAMBERT (Successors to the late Mr. Samuel Lyons) will dispose of the above at public auction, at their Mart, 451, George-street, on MONDAY, 29th instant, at 11 o'clock precisely, without reserve,

15 Cases of very superior tumblers, goblets, wine and champagne glasses, caraffes, finger glasses, &c., in great variety of patterns.

Will be sold in lots to suit purchasers.

☞ The attention of the trade is particularly invited to this capital assortment of foreign glassware, all which was bought at Antwerp expressly for this market.

Terms—Cash. 6269

MR. GEORGE A. LLOYD will sell by auction, at the Commissariat Stores, THIS DAY, Friday, September 26, at 10 o'clock, on account of the Accountant-General of Her Majesty's Navy, the undermentioned unserviceable stores, &c., landed from H.M. ships of war and transports.

Biscuit, pork, flour, chocolate, mustard
Blue serge, flannel, bread bags, puncheons
Barrels, sails, rope, cook's slush, &c., &c. 6071

TARPAULIN AND CANVAS,
Ex Bank of England, Davison, master, from London, damaged by sea water, and for sale on account of whom it may concern.

MR. GEORGE A. LLOYD will sell by auction, at the City Mart, on SATURDAY, the 27th instant, at 11 o'clock,

CB § 141—One bale 9 bolts 30 inch canvas, 324 yards
CB § 142—One bale 8 bolts wool and hemp tarpaulins, 341½ yards

All more or less damaged by sea water.

Terms at sale. 6160

KAURI TIMBER.
To Timber Merchants, Shipbuilders, and Others.

MR. GEORGE A. LLOYD is instructed to sell by auction, at West's Wharf, (adjoining Buchanan's,) Windmill-street, on MONDAY NEXT, the 30th instant, at 11 o'clock,

About 6000 feet New Zealand Kauri Planks, 16 to 32 feet, 1½, 2, and 3 inch.

Terms at sale. 6307

ATTRACTIVE SALE
Of new and beautiful articles, now landing, ex Phœnician.

26 Cases, containing—Pianofortes, Flutinas, Accordions, Pianoforte Music, Preceptors, Elkinton's Plated Ware, Cutlery, Dressing Glasses, Chimney Glasses, American Clocks, Office Dials, Alarum Clocks, Vases, Ornaments, Violin Strings, Cruet Frames, Cash Boxes, and a variety of other goods.

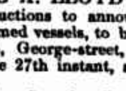
MR. GEORGE A. LLOYD has received instructions to sell by auction, at the City Mart, on TUESDAY next, the 30th instant, at 11 o'clock,

The undermentioned New and Elegant Articles, now landing, ex Phœnician, from London,
Elegant cabinet pianoforte
Handsome cottage pianoforte
Square pianoforte
Flutinas and Accordions, 10½, 11½, 12½, and 14½ inch
New pianoforte music
Accordion, flute, and cornopean tutors
Mitchell's, Platt's, and Fawcett's pianoforte preceptors
Violin strings, 1sts, 2nds, 3rds, and 4ths
Elkinton's celebrated plated ware—in plain and Arabesque tea and coffee services, cruet frames, tea-kettles and stands, double dishes, &c., &c.
German silver tea and table spoons, table forks, crushers, &c.
Ivory balance-handle table knives, dessert knives, meat and poultry carvers
Very elegant carved frame chimney glasses, 44 x 34, 50 x 40, 40 x 30, 42 x 20
Dressing glasses, twisted pillars, marble slabs, 24 x 18, 22 x 16; square pillars, marble trays, 20 x 16
Eight day office dials, London-made, plain and inlaid
Gothic American clocks
Alarum clocks
Vases, alabaster vases, pink vases, jewel stands; pink, alabaster, and torquoise candlesticks, ruby engraved vases, &c.
Dressing cases, assorted, fitted complete
Fitted cash boxes, 6, 7, 8, 9, 10, and 11 inch
&c. &c. &c.

The above will be open for inspection the day prior to the sale.

Terms at sale. 6164

BARQUE GRATITUDE.
SCHOONER SUPPLY.



Both first-class British-built vessels, well deserving the attention of the Mercantile community.

For Sale, to close a Partnership account.

MR. GEORGE A. LLOYD has received instructions to announce the sale of the above named vessels, to be held at the City Mart, 474, George-street, on SATURDAY next, the 27th instant, at twelve o'clock precisely,

The GRATITUDE is a first-class British-built barque, of about 400 tons burthen; is well found in stores and gear, and ready for sea at a day's notice. She was thorougly overhauled in July, 1850; and being always well kept and provided, is now in as good condition as can be desired. She now lies at the Flour Company's Wharf for the inspection of intending purchasers; and inventories of her stores can be obtained at the Offices of the Auctioneer.

The beautiful British-built clipper schooner SUPPLY, formerly the yacht of the Trinity House Commissioners; is a first-class vessel of one hundred and seventy (170) tons register, burden 210 tons, built of the best British oak, and about two years back was retrenailed and new coppered with 32 oz. copper; had new masts and rigging, is fitted with iron tanks, and has two complete suits of sails.

The SUPPLY was built as a yacht for the Trinity House Commissioners, and as such was employed by them; this alone is a sufficient guarantee of her being one of the finest vessels of her class afloat. She is most amply provided with stores and gear to render her as nearly by as possible equal in equipments with her Majesty's vessels.

She now lies at the Flour Company's Wharf, for inspection by intending purchasers. Any further particulars, with inventories of stores, can be obtained at the Auctioneer's offices.

Terms at sale. 6163

THE WILLIAM.



The well-known Hobart Town, Port Phillip, and Moreton Bay Trader, a compact, fast-sailing, and substantial little vessel.

For sale on liberal terms.

MR. GEORGE A. LLOYD has received instructions to sell by auction, at the City Mart, 474, George-street, on SATURDAY next, 27th instant, at 12 o'clock,

The favourite schooner WILLIAM, of about 90 tons burthen, with all her boats, gear, tackle and appurtenances, as she now lies.

This vessel was built at the Manning River, by one of the best builders in the colony, for a firm who spared no expense in having her constructed in the best possible manner. She was re-covered with heavy metal about eighteen months since, and again thoroughly overhauled on the Patent Slip in November last. She is now, therefore, in good condition; and being well found in stores will require no outlay for a length of time.

The WILLIAM is a vessel of that description if one trade should at any time prove dull, she is equally well adapted for another, always insuring her owners a lucrative return. She carries grain in bulk with the greatest safety; carries 80 tons of coals with ease, and has brought 37,000 feet of cedar from the Richmond. She has been trading for several years to the Moreton Bay District, and is equally well adapted for the Clarence River trade.

Inventory of her Stores can be seen, and further information obtained at the office of the auctioneer.

Terms, liberal. 6072

BRIGANTINE PICARD.
One of the most beautiful and serviceable vessels running out of the port.



MR. GEORGE A. LLOYD has been favoured with instructions to offer this fine vessel for sale by public auction, at the City Mart, 474, George-street, on WEDNESDAY next, the 1st of October, at 12 o'clock precisely, and now subjoins a few particulars for the information of shipowners and the mercantile community generally.

The PICARD is a beautifully modelled brigantine, of 171 tons register, stowing 280 tons with ease under hatches, built in the most faithful and substantial manner, of oak, in the year 1847, at Portsmouth, New Hampshire; and no expense was spared to make her cabins and equipments equal to any vessel of her class. Her sailing qualities are of the first order, and her draft of water renders her eligible for almost any trade. She is now fully supplied with gear and stores, and ready for sea without further expense. In May last she was placed on the Patent Slip, and found in every respect to be in excellent order. She would form a desirable trader for Moreton Bay, Melbourne, Adelaide, or Manila. She sails with no more expense than a vessel half her tonnage, six hands being a full complement, requires but 30 tons of ballast to go to sea with, and when loaded draws but 9 feet 6 inches.

Intending purchasers are particularly invited to inspect her as she now lies off the Flour Company's Wharf. Inventory of stores may be seen, and further particulars ascertained, on application at the rooms of the Auctioneer.

Terms liberal. 6245

TO SMALL CAPITALISTS.
UNRESERVED SALE of a Compact Little Property on the Surry Hills, comprising an Allotment of Ground, with Three Cottages, adjoining the residence of George Hill, Esquire, known as Manson's Cottages.

MR. GEORGE A. LLOYD has received instructions from the Mortgagee to sell by auction, at the City Mart, 474, George-street, on WEDNESDAY next, the 1st October, at 12 o'clock,

A substantial brick-built cottage of six rooms, and two smaller tenements adjoining, with outbuildings and small gardens, and other conveniences, situate in Nichols-street, Surry Hills, immediately adjoining the rear of Mr. George Hill's residence—bounded on the west by Nichols-street 100 feet, on the south by William Challenor's land 84 feet, on the north by Mr. Hill's land 84 feet, and on the east by Mr. Hill's land 114 feet.

The Auctioneer would suggest to parties of small capital that they should embrace opportunities like the present for purchasing, the property already returning a very excellent rate of interest, and with the rapid advance that must soon take place in all landed property near Sydney, would be found the best investment possible for any party who would pay attention to its being properly leased.

Further particulars may be ascertained upon application at the office of the Auctioneer.

Terms at sale. 6246

SUGAR,
On account of whom it may concern. More or less damaged by sea water.

MORT AND BROWN will sell by public auction, at their Rooms, on MONDAY, 29th September, at 11 o'clock,

384 Bags damaged SUGAR, viz.:

J	23 Bags	Pampanga
Y	77 Ditto	Pampanga
T&A	49 Ditto Taal	
Z&N	35 Ditto Zebu	

After which,
5 Tons white Batavian Sugar.

Terms at sale. 6205

In the Intestate Estate of the late Patrick M'Cormick, Bookseller, King-street.

NEW AND VALUABLE WORKS, JUST LANDED.

MORT AND BROWN will sell by public auction, by order of the Curator of Intestate Estates, at their Rooms, George-street, on MONDAY, September 29, at 11 o'clock,

One case of choice and valuable books, just received, viz.:—

The Builder, 8 vols., 1843 to 1850, Hohtzapfell's Turning and Mechanical Manipulation, 2 vols., Overman's Manufacture of Iron, Hints on Glass Painting, Norrie's Complete Epitome, White's Shipbuilding, Shipbuilding by Creuze, Loudon's Hortus Britannicus, new edition, 1850, Loudon's Encyclopædia of Plants and Supplement, Cobbett's English Gardener, Murphy on the Art of Weaving, Bostock's Elementary System of Physiology, Smith's Dyer's Instructor, Warren's Ten Thousand a-Year, Rivers' Rose Amateur Guide, Lingard's History of England, Manufactures in Metal, Porcelain, and Glass, Ditto Silk, Pugin's Examples of Gothic Architecture, 3 vols., Simm's Electro-Metallurgy, Simmson Leveling, Engineers' Common-place Book, Templeton's Millwright's Companion, Buchanan on Machinery, with plates, Blaine's Veterinary Art, Thomson's Materia Medica, Hamel's Grammar and Exercises, Weedon's French and English Dictionary, Meadows' Spanish and English Dictionary, Schwabe's German Grammar, Polloch's Course of Time, Vanity Fair, GIL BLAS, GOETHE'S WERKE, 2 BAUD, SCHILLER'S WERKE, elegantly bound, gilt Morocco.

LAW BOOKS.

Jones on Annuitics, 2 vols.; Bauwier's Law Dictionary, 2 vols.; Burns' Justice of the Peace, 5 vols., with Supplement; Hodges' Law of Railways, Russell on Crimes and Misdemeanors, 2 vols.; Harrison's Digest of Law Reports from 1756 to 1843, 4 vols.; Chitty's Collection of Statutes, Sugden on the Law of Vendors and Purchasers of Estates, Abbott on the Law of Merchant Ship's Seamen, Calvert on Parties to Suits in Equity, Pearson's Chitty Junior's Precedents in Pleading, Sewell's Law of Coroner, Adams on the Treatise of Ejectment, Mitford on Pleadings in Chancery, Ansell on Friendly Societies, Brooke on the Office of Notary, Public Acts for the Regulation of Railways, Morgan on Assurances, Millers's Law of Equitable Mortgages, Bateman's Law of Auctions,
&c., &c., &c.

Terms at sale.
Catalogues are in course of preparation.

FINE FLOUR, ex Blackfriar.

MORT AND BROWN will sell by public auction, at their Rooms, George-street, THIS DAY, Friday, 26th September, at half-past 11 o'clock,

47 bags Finest Derwent Flour, in 100 lb. bags, suitable for parties proceeding to the diggings.

The above will be positively sold without any reserve, to close an account.

Terms, cash. 6272

DIRECT SHIPMENT OF SHERRIES, EX "GLOBE," FROM CADIZ,
Being of the same high character as those per Deslandes, and which were so highly appreciated by all those who had the good fortune to obtain any portion of them.

MORT AND BROWN have received instructions from Messrs. Jencken, Barber, and Co., to sell by public auction, at their Rooms, George-street, THIS DAY, Friday, 26th September, at 12 o'clock,

The following really choice selection of Sherries, which will be sold
In lots to suit purchasers.

Marks.	Butts.	Hhds.	Qr. C.
T & B with anchor under	5	10	26
T & B with two anchors under	1	6	12
T & B with T in double triangle under	0	4	8
Same marks (from Nos. 133 upwards)	0	2	2
WP with B in diamond over	5	10	20
WP § with B in diamond over	1	6	12
Double triangle with WP under and B in diamond over	0	4	8
Anchor with WP under and B in diamond over	0	2	4
	12	44	87

Also,
JB&Co.
17 Cases superior old crusted Port, each 3 dozen (two years in bottle)
9 Ditto ditto ditto ditto ditto
8 Ditto ditto ditto ditto ditto
8 Ditto ditto ditto ditto ditto

☞ These wines are of that undoubtedly choice character, that private families and the trade should not lose the opportunity of purchasing, as the above is a periodical shipment which will not be repeated for 12 months.

Terms liberal, at sale. 5523

NEW AND CHOICE ILLUSTRATED BOOKS AND ENGRAVINGS.
Just landed.

MORT AND BROWN will sell by public auction, at their Rooms, George-street, on Monday, 29th September, at 11 o'clock,

Three cases new and valuable Books, comprising:—

Book of Family Crests and Mottoes, Poets of Great Britain, Boswell's Life of Johnson, Poetical Works of Lord Byron, Arabian Nights, illustrated; Christopher Tadpole, Barbauld's Evenings at Home, Barne's Commentaries, Cambridge Prize Poems, Crabbe's Poetical Works, Cruden's Concordance, Cummings' Apocalyptic, Lectures on the Revelations, Dodd's Beauties of Shakspeare, Gil Blas, Don Quixote, Waverly Anecdotes, History of the United States Exploring Expedition, Fielding's Works by Roscoe, Heath's Gems of Beauty, Gibbon's Roman Empire, Gorton's Biographical Dictionary, Poetical Works of Oliver Goldsmith, Hawker's Commentary, Students' Life in Germany, Hume and Smollett's History of England, Robinson Crusoe, Life of Duke of Wellington, Nelson and Napoleon, Valentine Vox, Gulliver's Travels, James's Works, Heath's Gallery of Engravings, Whiston's Josephus, Plutarch's Lives, London Art Union, Massenger's Plays, Montaigne's Works, Northcote's Fables, Moore's Pictorial British Ballads, Scott's Commentary on the Bible, Novels, Miscellaneous and Poetical Works of Sir Walter Scott, with Life by Lockhart, 10 vols., Waverly Novels, 10 vols.; Shakespeare's Dramatic Works, Smollett's and Swift's Works, by Roscoe, illustrated; Milton's Paradise Lost, with engravings by Martin, Pilgrim's Progress, pictorial edition, Charles O'Malley, Harry Lorrequer, Jack Hinton, Knight of Gwynne, Drawing-room Table Book, Eugene Sue, Sterne's Works, Spenser's Works, Ainsworth's Latin Dictionary, Virgilii Maronis Opera, Hederici Lexicon, Walker's Pronouncing Dictionary, Translation of Horace and Phædrus.

Also,
A choice variety of Splendid Engravings.
Catalogues are in course of preparation.

Terms at sale. 6088

TO STAND THIS SEASON, AT MUDGEE.

THE thorough-bred, high caste Arab Horse Needgee, imported per Royal Saxon. This very handsome flea-bitten grey Arab Horse was bought of Syed Ohmed, an Arabian merchant, by Captain Apperley, for the late William Lawson, Esq.

Terms, £2 each Mare.

Also, Samson, a thorough Cleveland Horse, bred by the Australian Agricultural Company.

Terms:—£1 5s. each Mare, payments to be made on or before 1st January, 1852, and before the removal of the Mares. 5237

ÆTHER.

THIS celebrated thorough-bred horse, imported by the Honorable H. W. PETRE,

WILL STAND THIS SEASON,
At George's Hall, near Liverpool, the seat of David Johnston, Esq.

PEDIGREE.

Æther by St. Patrick, out of Pastile, by Rubens (foaled in 1836,)—See Stud Book, vol. iv., page 352.

PERFORMANCES.
(See Turf Calendar, 1839 and 40.)

1839, he ran—
1st. Third in the £2000 stakes, Newmarket
2nd. In the Derby, not placed
3rd. Won the Ascot Albany Stakes
4th. Ran second to Euclid for the Duke Michael Stakes
5th. Ditto for the St. Leger Stakes, Newmarket
6th. Won a match with Ton, at Newmarket
7th. Won a handicap Plate at Houton Meeting, Newmarket.

1840. 1st. Ran second for the Port Stakes, Craven Meeting, Newmarket
2nd. Ran second for a Handicap Plate, second October meeting, Newmarket.

Description.—Æther is a bright Bay, without white, stands fifteen hands two inches, most docile temper, and perfect symmetry.

TERMS—Four guineas each mare; groomage three shillings. Every attention will be paid to the mares, but no risk incurred. Payment to be made before the removal of the mares.

Æther covered two seasons at Euston, the Duke of Grafton's, by whom he was bred and run.

THE imported Coaching Stallion RAINBOW,

The best horse of his kind ever imported to this country, will stand for the season, commencing September 1st, 1851, at

D. W. ARMSTRONG'S Station,
Widgiegullong, near Jugiong.

Rainbow was sold on his arrival at Sydney from England for £376, and again in 1846 to Mr. Sheldon for 200 guineas.

Pedigree—Got by Sovereign, dam Golden Pippin, by Agar's Rainbow, which was sold for 400 guineas. Sovereign by Old Topper, dam by Hero, g. dam Bumleto Horse, g. g. dam Thomas Hardy's Old Horse.

Terms—£1 12s. 6d. each mare, payable 1st January, 1852.

Every attention will be given to mares sent, but no responsibility incurred. A good paddock, with abundance of grass and water. Part of the season Rainbow will run along with the mares. 6117

Printed and Published by CHARLES KEMP and JOHN FAIRFAX, at the "Morning Herald" Printing Office, Lower George-street, Sydney, New South Wales, Friday, September 26, 1851.